

A. C. Bretherton. -



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HISTORICAL MEMOIRS
RESPECTING THE
ENGLISH, IRISH, AND SCOTTISH
CATHOLICS,
FROM THE REFORMATION,

TO

THE PRESENT TIME.

BY CHARLES BUTLER, Esq.
OF LINCOLN'S-INN.

Errat longè, meâ quidem sententiâ,
Qui imperium credit gravius esse aut stabilius
Vi quod fit, quam illud, quod amicitia adjungitur.

TERENCE.

ΦΩΝΑΝΤΑ ΕΠΙΕΙΚΕΣΙ.

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Quare quis tandem me reprehendat, si quantum cæteris ad festos dios ludorum celebrandos, quantum ad alias voluptates, et ad ipsam requiem animi et corporis conceditur temporis: quantum alii tempestivis conviviis, quantum aleæ, quantum pilæ, tantum mihi egomet, ad hæc studia recollenda, sumpsero.

CIC. PRO. ARCHIA.

Le changement d'étude est toujours un delassement pour moi.

D'AGUESSEAU.

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CONTENTS

OF

VOLUME THE SECOND.

CHAP. XXX.

Charles the First, 1625: - - - - - page 1

CHAP. XXXI.

The Usurpation: - - - - - 14

1.—Loyalty of the Catholics to Charles the first; 15

2.—An attempt to obtain the sanction of the Pope to
a new Declaration of Allegiance; - - - 16

3.—Sufferings of the Catholics from the beginning of the
Long Parliament. - - - - - 20

CHAP. XXXII.

Charles the second, 1660: - - - - - 26

1.—Attempts of the English Catholics, in the period
immediately following the Restoration, to obtain
a repeal of the Penal Laws; - - - - - 27

2.—The Fire of London; - - - - - 31

CHAP. XXXIX.

<i>The Veto</i> : - - - - -	page 139
1.—Very summary statement of the Laws against the Irish Catholics ; - - - - -	140
2.—Negotiations between Lord Castlereagh and the Catholic Prelates in Ireland, in 1799, respecting the Veto ; - - - - -	145
3.—Resolutions of the Irish Prelates in 1799, in favour of the Veto ; - - - - -	150
4.—Allegation that the Irish Prelates were intimidated into the resolutions of 1799 ; - - - - -	153
5.—The Offer by Government to the Irish Prelates, and their acceptance of a State Provision ; - - - - -	155
6.—The degree of negative Power, in the appointment of Irish Prelates to their Sees, which, in these negotiations, Government proposed to be conceded to the Sovereign ; - - - - -	157
7.—First mention of the Veto in the House of Commons in Sir John Cox Hippisley's Speech of the 13th May 1805 ;—Division on that Debate ; - - - - -	166
8.—The approbation given by the Irish Prelates to Sir John Cox Hippisley's Speech, and their earnest request to him that he would print it ; - - - - -	171
9.—The proposal of the Veto, in the House of Commons, by Mr. Ponsonby ; and in the House of Lords, by Lord Grenville, at the suggestion of Dr. Milner, Bishop of Castabala, Vicar-Apostolic of the Midland District, and Agent of the Irish Prelates ; - - - - -	173

VOLUME THE SECOND.

vii

- 10.—Continued adherence of the Irish Prelates to their Resolutions in 1799;—until their meeting in September 1808; - - - - - page 182
- 11.—The opposition in Ireland to the Veto; - - 183
- 12.—Dr. Milner's Advocation of the Veto, in a Pamphlet intitled "A Letter to a Parish Priest;" - 184
- 13.—The Declaration of the Irish Prelates, that the Veto was inexpedient;—the explanation given by the Primate O'Reilly, of that Declaration; - 189
- 14.—The conciliatory Resolution of the English Catholics; - - - - - 191
- 15.—Letters of Monsignor Quarantotti,—of Pius the seventh,—and Cardinal Litta,—on the Veto. 196

CHAP. XL.

The Formation of the Roman-catholic Board: - - - - 199

CHAP. XLI.

Attempts of the English Catholics to obtain Relief, on the Accession of Mr. Fox's Ministry in 1806;—alleged Objection from his Majesty's Coronation Oath: - - - - 204

- 1.—General hopes of Relief entertained by the English Catholics, at this time; - - - - - 205
- 2.—Objection to Catholic Emancipation, from the Coronation Oath; - - - - - 206
- 3.—The conduct of Lord Grenville's Administration towards the Catholics; - - - - - 208
- 4.—Attempts of the Catholics for Relief, in the years 1808, 1810, and 1812. - - - - - 216

CHAP. XLII.

The Bill of 1813: - - - - - page 216

- 1.—Mr. Butler's Address, in 1813, to the Protestants of the United Empire; - - - - - 217
- 2.—The Petition, presented by the English Catholics, in the year 1810, to both Houses of Parliament; 245
- 3.—The Bill, brought into the House of Commons in 1813, for Catholic Emancipation; - - 253

CHAP. XLIII.

Act passed in 1817 for regulating the Administration of Oaths in certain cases to Officers in his Majesty's Land and Sea Service: - - - - - 268

CHAP. XLIV.

The Prelacy of the English Catholic Church;—Clergy;—and Charitable Institutions, since the Reformation: - - 279

- 1.—The English Catholic Prelacy; - - - - - ib.
- 2.—Religious Establishments made by the English Catholics in foreign countries; - - - - - 293
- 3.—Their Charitable Establishments for the Education of the Poor. - - - - - 295

CHAP. XLV.

Outline of the Literary History of the English Catholics since the Reformation: - - - - - page 298

- | | |
|----------------------------|-----|
| 1.—Theologians; - - - - - | ib. |
| 2.—Poets; - - - - - | 328 |
| 3.—Historians; - - - - - | 330 |
| 4.—Lawyers; - - - - - | 336 |
| 5.—Sacred Music. - - - - - | 341 |

CHAP. XLVI.

Historical Minutes respecting the Irish Catholics, till the Revolution: - - - - - 348

- | | |
|---|-----|
| 1.—Remarks on the state of the Irish before the reign of Henry the second; - - - - - | 349 |
| 2.—Remarks on the state of the Irish between the reign of Henry the second, and the reign of Henry the eighth - - - - - | 352 |
| 3.—State of the Irish in the reign of Henry the eighth, Edward the sixth, queen Mary, and queen Elizabeth; - - - - - | 354 |
| 4.—State of the Irish Catholics under James the first; - - - - - | 359 |
| 5.—State of the Irish Catholics in the reign of Charles the first; - - - - - | 363 |
| 6.—The Massacre in 1641; - - - - - | 366 |
| 7.—The Confederacy of the Irish Catholics in 1642; - - - - - | 372 |
| 8.—The interference of the Pope's Nuntio in the Proceedings of the Confederates; - - - - - | 375 |

9.—The Confiscations made by Cromwell;—and the Settlement of the Confiscated Property, at the Restoration; - - - - -	page 388
10.—The Remonstrance of the Irish Catholics presented to Charles the second, in 1661; - - -	393
11.—Biographical Memoir of Father Walsh; - -	421
12.—Confiscation of Irish Property at the Revolution in 1688; - - - - -	430
13.—The Irish Brigade. - - - - -	434

CHAP. XLVII.

Historical Minutes respecting the Scottish Catholics, since the Reformation: - - - - -

1.—Doctor Maclaine's Account of the Introduction of Calvinism into Scotland; and the subsequent variations of the Religious Discipline of the Church of that Country; - - - - -	438
2.—The Condition of the Scottish Catholics, subsequent to the Reformation; - - - - -	440
3.—Riots in Edinburgh and Glasgow in the year 1780; - - - - -	447
4.—Act passed in 1793, for the relief of the Scottish Catholics. - - - - -	459

APPENDIX.

NOTES I. and II. referred to in this volume, will be found at the end of Vol. I. pp. 391 & 402.

- III. 1.—*Letter of Monsignor Quarantotti to Doctor Poynter*; - - - - - page 467
- 2.—*Address to his Holiness Pope Pius the seventh, as resolved at a Meeting of the General Board of British Catholics, June 17, 1814*; - - - 473
- 3.—*The Answer of his Holiness*; - - - - - 479
- 4.—*Letter from Cardinal Litta, Prefect of the Congregation de Propagandâ Fide, to Bishop Poynter, 26th April 1815*; - - - - - 481
- 5.—*The Pope's Letter on the subject of the Veto, addressed to the Catholic Prelates of Ireland* - 491
- IV. *List of the Members of the Board of British Catholics, instituted May 1808*; - - - - - 498
- V. *Short Biographical Memoir of the late Rev. John Chetwode Eustace*. - - - - - 506
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HISTORICAL MEMOIRS
OF THE
ENGLISH CATHOLICS,
&c.
SINCE THE
REFORMATION.

CHAP. XXX.

CHARLES THE FIRST.

1625.

THE preceding pages have brought the subject of this historical compilation to the death of James the first.—The hopes of the catholics revived, on the accession of Charles the first. They were increased by his marriage with Henrietta, princess of France, the daughter of Henry the fourth. There is no doubt, that, if the monarch had been allowed to indulge in his own humane views, the laws against the catholics would have been considerably relaxed. A negotiation for this effect took place ; and a new form of oath was suggested ; but it did not succeed. The best account of this transaction is to be found in the

Memoirs of Gregorio Panzani,—giving an account of his agency in England, in the years 1634, 1635, 1636, translated from the Italian original, and now first published. To which are added an introduction, and supplement, exhibiting the state of the English catholic church, and the conduct of parties, before, and after, that period to the present times, by the rev. Joseph Berington 1793, 1 VOL. 8vo. In reply to this work, “*The Answer to Panzani*” was published, under the title of “*Remarks on a Book, intitled, Memoirs of Gregorio Panzani, by the rev. Charles Plowden, preceded by an address to the rev. Joseph Berington, 1794, 1 VOL. 8vo.*” Both these works should be perused attentively, by every person, who wishes to acquire an accurate knowledge of the history of the English catholics, since the Reformation.

But the enemies of the catholics, among whom the puritans were eminently distinguished, were loudly and incessantly clamorous for the execution of the laws against them. The petition of the commons, in 1628, imputes “all public misery to the increase of idolatry, and superstition ; or, in other words, of popery*.” Other petitions, and remonstrances, generally express the same sentiment. “The old expedient,” says doctor Milner in his *Seventh Letter to a Prebendary*, “of forging state plots, in the name of the catholics, was now more frequently resorted to than ever ; but, being managed by men, who were destitute of the talents, as well as the advantages of situation, which the Walsinghams, and the Cecils possessed,

* Guthrie’s General History, vol. iii. p. 873.

“ they came forth such misshapen tools, as would
“ have created ridicule, instead of any serious alarm,
“ in times of greater quiet. At one period the ca-
“ tholics were accused of a plot to murder their best
“ friend, the king, and of exciting the Scotch rebels
“ against him, while they were actually draining
“ their estates by a voluntary contribution, in order
“ to enable him to suppress those insurgents. At
“ other times, they were solemnly denounced, as ‘ the
“ sowers of discord between the king and his faith-
“ ful commons.’ This day, whole fleets of foreign
“ papists were created upon our coasts ; the next
“ day, the ordinary equipage of a catholic nobleman
“ was magnified into a popish army. Now, the
“ nation was terrified with the report of ‘ an army of
“ papists, training to the use of arms, under ground ;’
“ then, the inhabitants of London were frightened
“ with the intelligence of a new gunpowder plot, for
“ ‘ blowing up the river Thames ; and drowning
“ that faithful protestant city.’ At last, one Beale,
“ a taylor at Cripplegate, was introduced to the house
“ of commons by no less a man than the celebrated
“ John Hampden, who averred, ‘ that walking in
“ the fields near a bank, he overheard from the op-
“ posite side of it, the particulars of a plot, concerted
“ by the priests, and other papists, for 108 assassins
“ to murder 108 leading members of parliament, at
“ the rate of ten pounds for every lord, and of forty
“ shillings for every commoner, so murdered.’ To
“ show the bigotry of the first men in the nation
“ against the catholics, at that time, it will be suffi-
“ cient to mention, that, upon this very deposition

“ of the Cripplegate taylor, stuffed as it was, with
 “ other circumstances, equally absurd, and unsup-
 “ ported by any collateral evidence, the house of com-
 “ mons proceeded to the most violent measures against
 “ the catholics ; and, under pretence of greater se-
 “ curity, ordered the train-bands, and militia of the
 “ kingdom, to be in readiness, and to be placed under
 “ the command of that real traitor, the earl of Essex.”

The consequence was such, as might have been expected. Proclamation after proclamation was issued ; and finally, in the year 1627, an act passed in parliament which adopted and aggravated the severe penalties of the act which had been passed, in the first year of king James, against foreign education. The dreadful statute was carried into execution, with great severity.

Twenty-three priests suffered death*. Several other priests were condemned ; but, from some cir-

* How they suffered, the following narrative will show : it is taken from the late *Dr. Challoner's Memoirs of Missionary Priests*, vol. ii. p. 215.

Mr. Green, a secular clergyman, had laboured in the English mission for many years, his residence being at *Chediok* in *Dorsetshire*, the seat of lady *Arundel*.

When king *Charles* set forth his proclamation, commanding all priests to depart the nation by a certain day, at their utmost peril, Mr. Green took a resolution to withdraw upon this occasion, as many others had done. The lady of the house opposed the thing, saying it was to no purpose, the time allowed in the proclamation being now elapsed. Mr. Green had not seen the proclamation, but said with some assurance, that there remained two or three days, and therefore he would make the best of his way to *Lime* the next sea-port, not doubting but he had yet time sufficient to have the benefit of the proclamation.

cumstance or other, not executed. Mr. Thomas Goodman, one of these, was reprieved. This alarmed the Lords and Commons. They met in conference ;

When he came to Lime, and was going on board a vessel bound for France, he was roughly accosted by a custom-house officer, inquiring his name, and his business there : Mr. Green very freely told him he was a catholic priest, and that as such, he was leaving the kingdom, in obedience to his Majesty's late proclamation. The officer answered, that he was mistaken in his account, the day fixed in the proclamation for the departure of the priests and jesuits being already passed ; and therefore he was not to be allowed the benefit of the proclamation : and as he had owned himself a priest in his hearing, he must be had before a justice of peace. Accordingly a constable was called, and Mr. Green was carried before a justice ; and notwithstanding his pleading his good intentions of obeying the king's orders, and that he hoped where the mistake was only of two or three days, advantage would not be taken of his unwary but candid discovery of his character, to the endangering of his life ; he was by the justice committed to *Dorchester gaol* ; and after five months imprisonment was tried and condemned to die, as in cases of high treason, barely for being a priest. The following account of his martyrdom is copied from Mrs. Elizabeth Willoughby's MSS., who was an eye-witness.

“ Upon Wednesday before, the sentence of death being given against him by judge *Forster*, he said, ‘ *Sit nomen Domini Jesu benedictum in secula. (May the name of the Lord Jesus be for ever blessed.)*’ He should have died upon Thursday, and to that end the furze was carried to the hill to make the fire, and a great multitude of people were in the streets, and, at the gate and lanes, to see the execution. But our great martyr did desire to die on Friday ; the which was, by a friend of his procured of the sheriff, though with very much difficulty, being opposed by Millard the master-keeper. And it was noted that, after his sentence he never went to bed, and eat but very little, scarce enough to sustain nature ; yet was he very chearful and full of courage to the last.

deprecatèd his reprieve ; and called for his execution. His majesty sent a message to them, that, “ having
“ informed himself of the names and nature of the

“ Now, I beseech our Lord to put his words into my memory,
“ that I may expressly relate them, for I have a great scruple to
“ add or to take away ; and therefore I have had the help of a
“ true servant of God, who was attentive at his death ; yet we,
“ being two weak women, cannot punctually remember all.

“ Much admired was his devotion : He kneeling on the hurdle made his prayer, and kissed it before he laid down upon
“ it, and continued his prayers until he came to the place of
“ execution. Then, he was taken from the hurdle, and stayed
“ on the hill, a good distance from the gallows, until three poor
“ women were hang’d : Two of them had sent him word the
“ night before, that they would die in his faith. O ! what comfort
“ was this to God’s true servant ! who did all which was possible
“ to see and speak with them, but could not. Then they sent
“ again to desire him, that, when they had made a confession
“ of their sinful life at the gallows, and should give him a sign,
“ that he then should absolve them. The which, with great joy
“ on his part, and much benefit, (I hope), on theirs, was performed : They two, turning their faces towards us, and throwing forth their arms, cried out to him *God be with you, sir* ;
“ and so died ; but the third woman turned from us towards the
“ press of people, and so she died ; her face or speech never
“ tending towards us.

“ Now I also noted that our martyr’s charity in this short
“ time of life was not unrewarded ; for God, of his mercy, was
“ pleased to yield him the like comfort by a reverend father of
“ the society of Jesus, who was there, on horse-back, to absolve
“ him ; the which, with great devotion and reverence, taking off
“ his cap, and lifting up his eyes and hands to heaven, he received
“ from him.

“ I cannot but bless God to see the magnanimity of these two,
“ our holy martyr and that reverend father. The one, being at
“ the point of death with such comfort, as his chearful countenance expressed ; and the other, not apprehending the great

“ crimes of the persons convicted, he found, that
“ John Goodman was condemned *for being in the*
“ *order of a priest, merely*; and was acquitted of

“ danger he was in to be taken by the rude multitude, of whom
“ he should have found no mercy.

“ Now is our martyr brought to the foot of the ladder by the
“ sheriff, where falling upon his knees, he remained in devout
“ prayer almost half an hour: Then, he took his crucifix and
“ *agnus dei* from his neck, and gave them to this devout gen-
“ tlewoman, my assistant in this relation; and his beads he gave
“ to another; also he gave the master-keeper his handkerchief.—
“ And last of all to me, most unworthy, he gave his book of
“ litanies, &c.: also, from the gallows, he threw me down his
“ band, spectacles, and priest’s girdle. Then, turning himself
“ to the people, and blessing himself with the sign of the cross,
“ he began.”—The writer relates, at some length, the substance
of his speech; and the conclusion of it, in the following words:

“ I am brought hither for a priest and a traitor: that I am a
“ priest, I have confessed, and as such I thought to have left this
“ my country, in obedience to his majesty’s proclamation; I
“ went to receive that benefit for my passage, but was refused,
“ and taken upon pretence of some few days past, beyond the
“ limitation of the aforesaid proclamation, and brought to Dor-
“ chester prison, and am now, *for no other cause*, (I thank God,)
“ *than for being a priest, to die*, and not for any treason to my
“ king or country. For I protest before Almighty God I never
“ wished hurt to my king or country in my life; but I prayed
“ for his majesty, and every day in my memento at the holy
“ mass, I offered and recommended him to God.—But, there
“ were laws made in queen Elizabeth’s days, by which it was
“ made treason to be a priest. By this law, I am condemned
“ for a traitor; but surely the antient laws of this kingdom
“ would never have done it, as the modern doth. And now
“ judge you, whether the laws so lately made by men be sufficient
“ to overthrow the authority of God’s church, and to condemn
“ the professors of it?

“ Nevertheless, I forgive all the world from my heart, and

“ every other charge ; his majesty, therefore, was
“ tender of matters of blood, in cases of this nature, in
“ which queen Elizabeth, and king James, had been

“ those who have had a hand in my death ; and I beseech you
“ all, if I have offended you in any thing, that you will every
“ one forgive me. I have not had a purpose to give offence to
“ any of you, and I pray God give you all his grace to seek him so,
“ as you may be made able to attain his mercy and eternal glory.

“ Then he called to me, and desired me to commend him
“ heartily to all his fellow prisoners, and to all his friends. I told
“ him I would, and that some of them were gone before him,
“ and with joy expected him. Then, on my knees, I humbly
“ begged his benediction ; so did five more of *ours* ; and he
“ cheerfully gave us his blessing, making the sign of the holy
“ cross over our heads. Then one Gilbert Loder, an attorney,
“ asked him, ‘ If he did not deserve death, and believe his death
“ to be just ? ’ To which he replied, ‘ *my death is unjust ;* ’ so
“ pulling his cap over his face, his hands joined before his breast,
“ in silent prayer he expected, almost half an hour his happy
“ passage, by the turning of the ladder, for not any one would
“ put a hand to turn it, altho’ the sheriff had spoken to many.
“ I heard one bid him do it himself. At length he got a country
“ clown, who presently, with the help of the hangman, (who sat
“ astride on the gallows), turned the ladder, which being done,
“ he was noted by myself and others to cross himself, three times,
“ with his right hand, as he hanged ; but instantly the hangman
“ was commanded to cut him down with a knife, which the
“ constable held up to him, stuck in a long stick, although I and
“ others did our uttermost to have hindered him.

“ Now the fall which he had from the gallows, not his hanging,
“ did a little astonish him ; for that they had willed the hangman
“ to put the knot of the rope at his poll, and not under his ear,
“ as it is usual. The man that was to quarter him, was a timorous
“ unskilful man, by trade a barber, and his name was Barefoot,
“ whose mother, sisters and brothers, are devout catholics ; he
“ was so long a dismembering him, that he came to his perfect
“ senses, and sate upright, and took *Barefoot* by the hand, to

“ often merciful ; but, to secure to his people, that
 “ this man should do no more hurt, he was willing,
 “ that he should be imprisoned, or banished, as their

“ show, (as I believe,) that he forgave him ; but the people pulled
 “ him down with a rope which was about his neck ; then did
 “ this butcher cut his belly on both sides, and turned the flap
 “ upon his breast, which, the holy man feeling, put his left hand
 “ upon his bowels, and looking on his bloody hand, laid it down
 “ by his side ; and lifting up his right hand, he crossed himself,
 “ saying three times ‘ *Jesu, Jesu, Jesu, mercy !* ’ The which,
 “ although unworthy, I am a witness of, for my hand was on his
 “ forehead ; and many protestants heard him, and took great
 “ notice of it : for all the catholics were pressed away by the
 “ unruly multitude, except myself, who never left him until his
 “ head was severed from his body. Whilst he was thus calling
 “ upon Jesus, the butcher did pull a piece of his liver out, instead
 “ of his heart, and tumbling his guts out every way, to see if
 “ his heart were not amongst them ; then, with his knife he
 “ raked the body of this most blessed martyr,—who, even then,
 “ called on Jesus, and his forehead sweat, then was it cold, and
 “ presently again it burned ; his eyes, nose, and mouth run over
 “ with blood and water. His patience was admirable, and when
 “ his tongue could no longer pronounce that life-giving name
 “ Jesu, his lips moved, and his inward groans gave signs of those
 “ lamentable torments, which, for more than half an hour, he
 “ suffered. Methought my heart was pulled out of my body
 “ to see him in such cruel pains, lifting up his eyes to heaven
 “ and not yet dead : then I could no longer hold, but cry’d,
 “ ‘ *Out upon them that did so torment him :* ’ upon which a devout
 “ gentlewoman understanding he did yet live, went to Cancola
 “ the sheriff, who was her uncle’s steward, and on her knees
 “ besought him to see justice done, and to put him out of his
 “ pain, who, at her request, commanded to cut off his head ;
 “ then, with a knife they did cut his throat, and with a cleaver
 “ chopped off his head ; and so this thrice most blessed martyr
 “ died. Then was his heart found and put upon a spear, and
 “ showed to the people, and so thrown into the fire which was

“ lordships should advise ;” and assured them, that
 “ he would take such fit course for the expulsion of
 “ other priests and jesuits, as he should be advised
 “ by their lordships.”

“ on the side of a hill. They say the heart did roll from the fire,
 “ and that a woman did take it up and carry it away. This, I
 “ speak not of my knowledge, but, what is here reported to be
 “ true ; and it may be very probable, because the hill is steep
 “ and uneven, and the heart not thrown as usually, but from the
 “ point of a long spear. Then did this gentlewoman and myself
 “ go to the sheriff, and beg his body, the which he freely gave
 “ unto us.

“ Now did the devil roar, and his instruments, the blinded
 “ Dorcestrians, (whom with my soul I deplored,) did fret and
 “ chafe ; and told the sherriff, that he could not dispose of his
 “ quarters to papists, neither should we have them. And truly
 “ I believe, that, if we should have offered to carry them away,
 “ they would have thrown both the body and us into the fire,
 “ for our number was but small, and they, many thousands.
 “ Their fury did so rage against us, that we were forced to with-
 “ draw ourselves ; and, had not I procured the master-keeper’s
 “ wife to have gone back with us to the town, they had stoned
 “ us, or done us worse harm, as I was told by many credible
 “ people ; so great is their malice to catholics ;—God in his
 “ mercy pardon and convert them ! From the town we sent a
 “ shrowd by a protestant woman, to wrap his happy quarters in ;
 “ whom, it seems, God did send to us on purpose to do this last
 “ office unto his servant ; for to us all, she was a stranger, and
 “ lives twelve miles from the town. And, when she heard us
 “ mourn that not any of us durst appear, she, with a courage
 “ went and saw his quarters put into the shrowd, and burned
 “ them near to the gallows, although she suffered many affronts
 “ from the ungodly multitude ; who, from ten o’clock in the
 “ morning, till four in the afternoon, stayed on the hill, and
 “ sported themselves at foot-ball with his head, and put sticks
 “ in his eyes, ears, nose and mouth, and then they buried it
 “ near the body.

“ Sir,

This did not satisfy the two houses. They immediately presented a remonstrance to the throne,—praying that Goodman might suffer, and that the laws enacted should be executed against all other priests in the kingdom. They waited on the king with this prayer. The humane monarch repeated his observation, that, “the only crime objected to Mr. Goodman, was, his being a priest; and that both queen Elizabeth and king James, avowed, that, in their reigns, no one had been executed for religion only,” returned the case to them for farther consideration.

The next day, the king communicated to the house, the following petition, which he had received from the condemned priest.

“ To the king’s most excellent majesty :

“ The humble petition of John Goodman, condemned ;

“ Humbly sheweth,

“ That, whereas your petitioner has been informed of a great discontent of many of your majesty’s subjects, at the gracious mercy, your majesty was pleased to shew unto your petitioner, by suspending the execution of the sentence of death, pro-

“ Sir, this is briefly what I conceived myself obliged to signify unto you concerning this subject, not doubting but you will conceive the same comfort in reading it, as I did in writing the same unto you, who am, sir, &c.

“ *E. Willoughby.*

“ This same account was not long after published in print by Chiffetius, in his *Palmae cleri Anglicani*, and the substance of it is found in the Douay Diary 1642.”

“ nounced against him, for being a Romish priest,—
“ this is, humbly to solicit your majesty, rather to
“ remit your petitioner to their mercy, than to let
“ him live the subject of so much discontent in your
“ people against your majesty.

“ This is, most sacred majesty, the petition of him,
“ who should deem his blood well shed, to cement
“ the breach between your majesty and your subjects,
“ upon this occasion.”

The magnanimity of this petition, says Mr. Berington, (*Memoirs of Panzani*), greatly moved the king; and seemed to soften the parliament into some sentiments of humanity. Mr. Goodman was not executed. After remaining in prison five years, he died, on the felons' side, in Newgate.

Two years after this event, seven other priests were condemned for their sacerdotal character, but reprieved. Both houses of parliament joined in a petition, that his majesty would take off the reprieve,—and order them for execution. The king replied from York.—“ Concerning the condemned priests;—it is true, that
“ they were reprieved, by our warrant; being informed, that they were, by some restraint, disabled
“ to take the benefit of our proclamation. Since that,
“ we have issued out another warrant for the execution
“ of the laws against papists; and have most solemnly
“ protested, upon the word of a king, never to pardon
“ any priest (without your consent), who shall be
“ found guilty by law, desiring to banish them; having herewith sent our warrant, for that purpose;
“ if, upon second thoughts, you do not disapprove
“ thereof: but, if you think the execution of these

“ persons so very necessary to the great and pious
“ work of reformation, we refer it wholly to you ; de-
“ claring hereby, that, upon such our resolution, sig-
“ nified to the ministers of justice, the warrant for
“ their reprieve shall be determined ; and the law
“ have its course.” This unexpected message dis-
concerted the parliament, who did not wish the odium
of persecution should lie on themselves ; and the
priests were permitted to linger out their lives, in
Newgate.

Mr. Berington, in the work just cited, mentions,
that, “ of the twenty priests, who suffered death ; and
“ of many others, who died in prison, he did not find
“ one, against whom any other crime was alleged,
“ than to have received orders abroad, and returned
“ to England ; which, by the statute of the 27th of
“ Elizabeth, was made high treason. In 1652,” con-
tinues the same writer, “ Mr. Roe, a catholic priest,
“ as he stood in the cart, thus addressed the sheriff—
“ ‘ Pray sir, if I conform to your religion, will you
“ secure me my life.’—‘ That I will,’ said the sheriff,
“ ‘ upon my word : my life for yours, if you will but
“ do that.’ ‘ See then,’ observed Mr. Roe, turning
“ to the people, ‘ what the crime is, for which I am
“ to die ; and whether my religion be not my only
“ treason.’ ”

In the reign, of which we are now speaking, a new
form of persecuting the catholics was devised ; and
incessantly carried into execution. A multitude of
officers, under the name of Pursuivants, were autho-
rised, almost at their pleasure, to apprehend catholics,
or suspected catholics ; to take them before the

magistrates ; to enter, and search, their houses ; and to seize their books, and every other kind of property, which, they imagined, might be used for any rite of catholic worship, or for any kind of catholic devotion. Vexatious, in the extreme, as this practice was, it was continually put into execution, through the whole of the reign of Charles the first. The pursuivants exceeded, on many occasions, the authority delegated to them, and even the wishes of their employers. But, the catholics had no redress :—Of the various grievances which the laity suffered, during this reign, this was the most extensively felt. Every rank of life was equally subject to these domiciliary visits, and to the insolence and unfeeling aggravations, which usually accompanied them.

CHAP. XXXI.

THE USURPATION.

THE loyalty of the catholics to the monarch, who had permitted them to be thus cruelly and unworthily treated, is entitled to the highest praise. We shall present the reader, I. With a succinct view of this loyalty ; II. With an account of an attempt to obtain the sanction of the pope to a new declaration of allegiance and civil principle ; And III. with a short mention of the sufferings of catholics, during the protectorate.

XXXI. 1.

Loyalty of Catholics to Charles the first.

IN better, or more accurate terms, than those, which doctor Milner has used, in his *Letters to a Prebendary*, the loyalty of the catholics, in these trying circumstances, cannot be described. “ No sooner was
“ the standard of loyalty erected, and permission
“ given for catholics to serve under it, than the whole
“ nobility of that communion, the Winchesters, the
“ Worcesters, the Dunbars, the Bellamonts, the Carnarvons, the Powises, the Arundels, the Fauconbergs, the Molineuxes, the Cottingtons, the Montteagles, the Langdales, &c. with an equal proportion
“ of catholic gentry, and yeomanry, were seen flocking round it, impatient to wash away, with their
“ blood, the stain of disloyalty, which they had been
“ unjustly constrained to suffer, during the greater
“ part of a century—that is, ever since the accession
“ of Elizabeth. Those catholics, who were possessed
“ of castles and strong holds, turned them into royal
“ fortresses; and the rest of them raised what money
“ their estates could afford, in support of the king
“ and constitution. We may judge of their exertions
“ in this cause, by their sufferings in it. Of about
“ five hundred noblemen, and gentlemen, who are
“ computed to have lost their lives in the royal cause,
“ the names of one hundred and ninety-four catholics,
“ being nearly two-fifths of the whole number, have

“ been collected. Their pecuniary sufferings bore a
 “ still greater proportion to those of other loyalists.
 “ Above one half of the lands confiscated by the
 “ rebels, was catholic property.”

XXXI. 2.

*An attempt to obtain the sanction of the Pope to a new
 Declaration of Allegiance.*

It appears* that, in 1647,—at which time, considerable hopes were entertained of composing the

* The account which is given of this transaction, in these pages, is taken from “ *The History and Vindication of the Loyal Formulary or Irish Remonstrance, so graciously received by his majesty in 1661; by Father Peter Walsh, of the Order of St. Francis, Professor of divinity, 1674, fol.—p. 522 :—The controversial letters on the grand controversy, concerning the pretended temporal authority of the popes over the whole earth; and the true sovereignty of kings within their own respective kingdoms : Between two English gentlemen, the one of the church of England; the other of the church of Rome, 1674, 8vo. By Peter Gooden, a priest, educated at Lisbon, 2d ed. p. 18.—Recueil de Pieces touchant l’histoire de la Compagnie de Jesus, composée par le Père Joseph Jouvenci, Jesuite, 1726, 2d ed. p. 403, 413; the Causa Valesiana, Epistolis ternis prælibata, in antecissum fusioris apologiæ, auctore F. P. Walsh. Ord. s. Francisci, strict. obs. s. Theologiæ professore. Londini, 1684, 8vo.;—and Blackloe’s Cabal.*

Blackloe was a name given, in a war of words, carried on about this time among the catholics, to a Mr. White, a catholic secular priest, a man of learning and literary talents, but an imprudent writer. He was supposed to have taken an active part in persuading the catholics to submit to the presbyterian government, and to sign the declaration and take the oath mentioned

differences between the king and the parliament ; and of comprehending the English catholics in the general settlement, in case they could vindicate their principles from inconsistency with civil government,—the following three propositions were framed ;—

“ 1st. That, the pope, or the church, have power
“ to absolve all persons of whatever quality they may
“ be, from the obedience due to the civil government,
“ established in the kingdom of England.

“ 2d. That, it is lawful in itself, or by the dispensation of the pope, to violate a promise, or
“ oath, made to a heretic :

“ 3d. That it is lawful, by the dispensation, or by
“ the commandment, of the pope, or of the church,
“ to kill, destroy, or outrage, and offend, in any other
“ manner, any person whatever, or several persons,
“ of what condition soever they be, for this reason,
“ that they are accused, condemned, censured, or
“ excommunicated for error, or heresy.”

Fifty-nine English catholic gentlemen, and several of the English catholic elergy, signed the negative of all these propositions.

It has been said, that their subscription was condemned by pope Innocent the tenth ; and that his condemnation of it was published, and acted upon. This, after much investigation, appears to the writer of these pages, to be very doubtful ; particularly, as, in a letter, addressed to the pope's nuncio at Brussels,

in the text. His adherents, real or supposed, received the appellation of Blackloists. He finally submitted his writings to the church.

and, like all his other works, tediously written, but abounding in curious information and strong argument, father Walsh expressly declares, that, “what-
“ ever his judgment was, pope Innocent did not
“ publish it, by way of bull or brief, either to the
“ catholics of England, or any other:” and that,
“ if any decree were either made or projected of that
“ matter, in a consistory of cardinals, with the as-
“ sistance and command of Innocent, and afterwards
“ sent by him to Paris or Brussels, to the nuncio,—
“ (as there was a report of its being sent to the nuncio
“ at Paris),—nothing had been heard more of its
“ publication : but it remained suppressed, according
“ to that report, in the hands of the nuncio.” The
most probable account of this transaction, appears to
the writer to be contained in an interesting letter of
the celebrated doctor Holden, published by Walsh, in
his history *. From this letter, it appears likely,
that, being unwilling to permit an express denial of
his deposing power, but afraid of formally asserting
it, the pope signed a condemnation of the document
in question, but withheld the publication of the in-
strument of condemnation.

It is remarkable, that father Walsh explicitly affirms
in his letter to the nuncio, that the briefs, by which
Paul the fifth, condemned the oath of allegiance,
proposed by James the first, were owing to the mis-
representations made to his holiness of the contents of
the oath, as the pope had been taught to believe, that
it contained a denial of his right of excommunication.

* History of the Irish Remonstrance, p. 533.

† Ib. 524.

In *Blackloe's Cabal*, the three propositions, which have been mentioned, are stated in terms, somewhat different from those, in which we have presented them to the reader : but the difference appears to us to be merely verbal. The editor of that compilation has transcribed in it, an oath of allegiance, proposed by the English catholics, about this time, to be taken by them to Charles the first. This makes it probable, that both royalists and parliamentarians were then endeavouring to attract the catholics to their party.

The reader must not, for a moment suppose, that the objections of Innocent to the subscription of the document, expressing the negative of the three propositions, which have been mentioned, proceeded from his considering that the affirmative of the two last of those propositions was either an article of the faith of the catholic church, or a received opinion of its members. The affirmative of either proposition, was never believed by catholics, or by any portion of them : this is invincibly demonstrated by the late doctor Hay, a catholic prelate in Scotland, in his *Letter to William Abernethy Drummond*, published in 1768.

It is greatly to be lamented that, when on this, and other similar occasions, the popes condemned the formularies of religious or civil opinion, which were tendered to the English catholics, or framed by them, they did not specify the particular propositions to which they objected, and confine their condemnation of the formulary to these. From their not doing it, the public, too easily, but certainly very generally concluded, that every proposition in the formulary was

condemned ; and that the negative of each was, therefore, an article of the catholic creed. This could not but increase and perpetuate the great misconception of the tenets of the catholics and the undeserved general prejudice against them.

In the dreadful state of persecution, in which the English catholics were then placed, and in which an absolute and unequivocal disclaimer of the pope's deposing power might have served them so essentially, —which disclaimer the popes actually tolerated in France, in Venice, and in many parts of Germany, —and which disclaimer, we must add, the universal catholic world now publicly and unreservedly professes, —was it quite just, or quite humane, for any pope to pronounce a formal condemnation of it? Did not the severe persecutions, under which the English catholics then groaned, point out to the common father of the faithful, that duty called on him not only not to check, but even to facilitate and to encourage every measure, which might either diminish the horrors, or abridge the term of their sufferings? Such was not his conduct, when he censured, or withheld, or even discouraged a disclaimer of the deposing power. Far be it from the writer to describe this conduct of the popes by a single harsh word :— he *must* say it was *wrong*.

XXXI. 3.

Sufferings of the Roman-catholics, from the beginning of the Long Parliament.

THE sufferings of the catholics, during this period, no tongue, it may be truly said, can adequately tell.

We shall mention, first, the sequestrations of their property ; and secondly, the execution of the former penal laws against them.

1. By the ordinances of 1643, two third parts of the real, and personal, estates of every papist were sequestered ; and ordered to be sold, or otherwise disposed of, for the public use. Commissioners were appointed, and authorised to interrogate papists, upon oath ; to employ agents under them, with power, either by themselves or their agents, to force houses, and break open locks, on any probable grounds ; and to reward informers, with one shilling in the pound of the property discovered. After the papists had, during seven years, been pillaged by the presbyterians, the independents came into power ; and subjected them to new sequestrations. Mr. Austin, a catholic lawyer of eminence, a polite scholar, and a very religious man,—a witness also of the afflicting scene,—thus describes it, in his *Christian Moderator* *.

“ As for the single recusants, two thirds of their
 “ estates are seized upon, only for the cause of religion ; under which notion are included all such, as
 “ were heretofore convicted of not resorting to *common prayers* ; or do now refuse the oath of *abjuration*, a new oath, made by the two houses, when
 “ the former kind of service was abolished, wherein
 “ the practice is strangely severe ; for, upon bare information, the estate of the suspected is secured,
 “ that is, his rents, &c. suspended, before any trial,
 “ or legal proof, even in these times of peace ; and,

* Published by him, under the name of William Birchley, part I. p. 9.

“ being once thus half condemned, he has no other
“ remedy to help himself, but by forswearing his re-
“ ligious, and so, by an oath, a thousand times harsher
“ than that *ex officio*, they draw out of his own
“ mouth, his condemnation.”

“ When the sequestrators have thus seized into
“ their hands, two thirds of the most innocent recu-
“ sants’ lands, and goods, then come the excisemen,
“ tax-gatherers, and other collectors, and pinch away
“ no small part of the poor third penny, that was left
“ them; so that, after these deductions, I have known
“ some estates of three hundred pounds a year, re-
“ duced to less than threescore, a lean pittance to
“ maintain them, and their children, being persons,
“ for the most part, of good quality, and civil edu-
“ cation. And as for priests,—it is made as great a
“ crime to have taken *orders* after the rites of their
“ church, as to have committed the most heinous trea-
“ son, that can be imagined; and they are far more
“ cruelly punished than those, that murder their own
“ parents.”

“ Besides these extreme, and fatal penalties, that
“ lie upon the recusants, merely for their conscience,
“ there are many other afflictions, whereof few take
“ notice; which, though of lesser weight, yet, being
“ added to the former, quite sink them down to the
“ bottom of sorrow, and perplexity; as their con-
“ tinual fear of having their houses broken open, and
“ searched, by *pursuivants*, who enter, at what hours
“ they please; and do there, what they list, taking
“ away not only all the instruments of their religion,
“ but oftentimes, money, plate, watches, and other

“ such popish idols, especially if they be found in the
“ same room with any pictures, and so infected with
“ a relative superstition.”

“ Another of their afflictions, is, that they, I mean
“ these single recusants, have no power to sell, or
“ mortgage the least part of their estates ; either to
“ pay their just debts, or defray their necessary ex-
“ pences, whereby they are disabled of all commerce,
“ and their credit being utterly lost, (upon which
“ many of them now provide even their daily bread),
“ they must needs, in a short time be brought to a
“ desperate necessity, if not absolute ruin ; and if
“ any, the most quiet and moderate, amongst them,
“ should desire to transplant themselves into a milder
“ climate ; and endeavour to avoid the offence, that
“ is taken against him, in his own country, he cannot
“ so dispose of his estate here, as by bill of exchange ;
“ or any other way, to provide the least subsistence
“ for himself, and his family : a severity, far beyond
“ the most rigid practice of the Scotch kirk ; for there
“ (as I am informed), the persons of recusants are
“ only banished out of the kingdom, and prohibited
“ to reside at their own homes, above forty days in a
“ year, which time is allowed them for the managing
“ of their estates ; and their estates allowed them, for
“ their maintenance abroad : a proceeding, which
“ their principles would clearly justify, if they could
“ justify their principles. But, in England, where
“ compulsion on the conscience is decried, as the worst
“ of slaveries, to punish men so sharply for matters of
“ religion, contrary to the principles publickly received,
“ is a course, that must needs beget, over all the world,

“ a strong suspicion, and prejudice, against the honour
 “ and reputation of that state, which, at the same time,
 “ can practise such manifest contradictions.

“ To this deplorable condition, are the English
 “ catholics now reduced ; yet they bear all, not only
 “ with patience, but even silence, for, amongst the
 “ printed complaints, so frequent in these times, never
 “ any thing hath been seen to proceed from them ;
 “ though always the chief, and now the sole sufferers,
 “ for their consciences, except, (not to be altogether
 “ wanting to themselves), some modest petitions,
 “ humbly addressed to the parliament, though such
 “ hath been their unhappiness, that more weighty
 “ affairs have still disappointed their being taken into
 “ consideration ; else, were they admitted to clear
 “ themselves of the mistakes and scandals, unjustly
 “ imputed to them, they would not doubt fully to
 “ satisfy all ingenuous and dispassionate men ; nay,
 “ even whomsoever, that were but moderately preju-
 “ diced against them.”

2. It has been stated, that, during the reign of Charles the first, twenty-three priests were *executed for the exercise of their sacerdotal functions*. Two others suffered ; one, before, and one in the first year of the protectorate. The latter, John Southworth, * was a man highly respected by the catholics. From the fatal cart, he addressed the multitude in a very modest speech, and concluded it, in the following terms :

* Doctor Challoner's Memoirs of Missionary Priests, vol. ii.
 p. 354.

“ My faith is my crime ;—the performance of
“ my duty, the occasion of my condemnation.—I
“ confess, I am a great sinner. Against God I have
“ offended ; but, I am innocent of any sin against
“ man ;—I mean the commonwealth, and present
“ government. How justly, then, I die, let them
“ look to, who have condemned me. It is sufficient
“ for me, that it is God’s will. I plead not for my-
“ self, (I came hither to suffer), but, for you, poor
“ persecuted catholics, whom I leave behind me.
“ Heretofore, liberty of conscience was pretended,
“ as a cause of war ; and it was held a reasonable pro-
“ position, that all the natives should enjoy it, who
“ should be found to behave themselves, as obedient
“ and true subjects. This being so, why should
“ their conscientious acting, and governing them-
“ selves, according to the faith received from their
“ ancestors, involve them, more than all the rest, in
“ an universal guilt ?—which conscientiousness is the
“ very reason, that clears others, and renders them
“ innocent. It has pleased God to take the sword
“ out of the king’s hand, and put it in the protector’s.
“ Let him remember, that he is to administer justice
“ indifferently ; and without exception of persons.
“ For, there is no exception of persons with God,
“ whom we ought to resemble. If any catholics work
“ against the present government, let them suffer.
“ But, why should all the rest, who are guiltless,
“ (unless conscience be their guilt), be made par-
“ takers in a promiscuous punishment, with the
“ greatest malefactors ? The first rebellion was of
“ the angels. The guilty were cast into hell ; the

“innocent remained partakers of the heavenly blessings.”

Here, being interrupted by some officers, desiring him to make haste,—“he requested all present, that were catholics, to pray for him, and with him. Which done, with hands raised up to heaven, and eyes, (after a short prayer in silence), gently shut,—thus devoutly demeaned, he expected the time of his execution, which immediately followed; and which he suffered with unmoved quietness; delivering his soul, most blessedly, into the hands of his most loving God, who died for him; and for whose sake he died.”

CHAP. XXXII.

CHARLES THE SECOND.

1660.

THE events in this reign, in which the catholics were deeply interested, are numerous.

We shall present the reader, I. With a short view of some attempts made by them in the period immediately following the restoration, to obtain a repeal of the penal laws: II. Then, mention the fire of London: III. Then state some facts; and offer some observations on Oates's plot: IV. And conclude with the mention of, 1. The corporation act; 2. The test act, and the act preventing catholic peers and commoners from sitting in parliament.

XXXII. 1.

Attempts of the English Catholics, in the period immediately following the Restoration, to obtain a Repeal of the Penal Laws.

ON the restoration of Charles the second, the expectations of his catholic subjects were certainly great; and, were certainly reasonable. In every stage of the civil conflict, his father and himself, had found their lives and fortunes, at their command. There was scarcely a catholic family, of which some member had not perished in the field; or a large proportion of whose property had not been confiscated, in consequence of their loyalty. After the fatal defeat at Worcester, Charles himself, for six whole days, had been in the hands of more than ninety catholics; not one of whom, though several were in low circumstances, could be induced, either by the fear of punishment, or the hope of reward, to betray him. Their general attachment to him, in his exile, was unshaken, "they sent supplies to him," says lord Clarendon, "though they were hardly able to provide " necessities for themselves."

"It was" says the same author, "the king's " desire, which he never dissembled, to give them " ease from all sanguinary laws;—and the gracious " disposition of the king to his catholic subjects did " not then appear ungrateful to any."—An address being made to the house of peers, the year after the restoration, for some relaxation of the laws against

the papists, a committee of the house was appointed, to examine, and report all the penal statutes, which reached to the taking away of the life of any catholic for his religion.—“there not appearing” says Clarendon, “one lord in the house, who seemed to be “unwilling, that the law should be repealed.” After the committee was appointed, the catholic lords and their friends diligently attended it, and made their observations on the several acts of parliament, in which they desired relief. “But afterwards,” to copy the words of the same noble writer,—“the committee was discontinued,—and never after revived; “—the roman-catholics never afterwards being “solicitous for it.”—The fact,—painful as it is to relate,—was, that they had quarrelled among themselves.

In the following year, the speech from the throne contained these remarkable words;—“I am” said the monarch, “in my nature, an enemy to all severity “for religion, and conscience, how mistaken soever “it be, when it extends to capital and sanguinary “punishments, which, I am told, began, in popish “times. Therefore, when I say this, I hope I shall “not need to warn any here, not to infer from thence, “I mean to favour popery. I must confess to you, “that there are many of that profession, who, having “served my father and myself, very well, may fairly “hope for some part of that indulgence, I would “willingly afford to others, who dissent from us. “But, let me explain myself, lest some mistake me “herein; as I hear they did, in my toleration, to “qualify them thereby, to hold any office, or place

“ under the government. Nay, farther.—I desire
“ some laws may be made to hinder the growth, and
“ progress of their doctrine.”

In consequence of the last clause, a petition was presented to his majesty by both houses of parliament, that he would issue a proclamation, “ commanding
“ all jesuits, and priests, to depart the kingdom, by a
“ certain day, under pain of having the penalties of
“ the law inflicted on them.” The proclamation was accordingly issued.

The next year,—1664,—“ a design,” says Mr. Berington*, “ was formed, which came from the king
“ himself, of bringing a bill into parliament, seriously
“ meant to serve the catholics, by putting them
“ on that footing of ease, and security, which their
“ conduct, as good subjects, he thought, merited.
“ Measures of ascertaining their numbers had been
“ previously taken, that the most violent might
“ know, there was nothing to be feared from so
“ inconsiderable a body. He wished also, that a
“ distinction should be made betwixt those, who,
“ being of ancient extraction, had continued of the
“ same religion from father to son; and those, who
“ had become proselytes to the catholic church. In
“ the new bill, it was intended to provide against
“ such changes in religion. The king had likewise
“ resolved to contract and lessen the number of
“ priests; and to reduce them into such order, that
“ he might, himself, know all their names, and their
“ several places of residence in the kingdom. ‘ This

* State and Behaviour of English Catholics, p. 51.

“ measure,” says Clarendon, “ must have produced
“ such a security to those, who stayed, and to those,
“ with whom they stayed, as would have set them
“ free from any apprehension of any penalties, im-
“ posed by preceding parliaments.” — But, this de-
sign, which comprehended many other particulars,
from the perverse opposition of some weak heads of
the party, vanished, as soon as it was discovered.—
“ Moderate men,” says Mr. Berington, “ who de-
“ sired nothing, but the exercise of their religion
“ in great secrecy; and a suspension of the laws,
“ were cruelly disappointed; and, in their confer-
“ ences with the king, often complained, of the folly,
“ and vanity, of some of their brethren.—All farther
“ thoughts of the bill were now dropt; nor was
“ there, ever after, mention of it.”

“ From this view, it may be justly inferred, that the
“ catholics of this time were their own greatest ene-
“ mies. The king was decidedly their friend; the
“ courtiers, sunk in ease and luxury, laughed at all
“ religion, and only wished to humour their prince;
“ the friends to episcopacy and monarchy, that is, the
“ established church, were not much inclined to op-
“ pose a party, who, they knew would be ever ready
“ to join them against the encroachments of the sec-
“ taries; the dissenters themselves, though enemies
“ to the name of catholic, now dared not speak out,
“ whilst they themselves were waiting redress from
“ the crown; and the nation at large, just breathing
“ from the horrors of civil commotions, wished not to
“ be again exposed to a renewal of discord and con-
“ tention. In these circumstances, nothing, it seems,

“ could obstruct their prospects of success, but vain
 “ pretensions, immoderate confidence, precipitate
 “ councils, imprudent zeal, or that animosity, and
 “ internal discord, which must ever frustrate the best
 “ concerted plans. These, were unfortunate evils ;
 “ but they are the evils attendant on weak human
 “ nature : They were misfortunes, which affected
 “ very sensibly the catholic interest ; but they had
 “ no immediate reference to the state. In allegiance,
 “ politics and patriotism, the catholics were steady,
 “ generous, and sincere.”

XXXII. 2.

The Fire of London.

“ In 1666,” continues Mr. Berington, “ an
 “ event happened, which finally contributed to blast
 “ all their hopes, though catholics were no other-
 “ wise concerned in it, than as sufferers ; or as spec-
 “ tators, sympathising in the general scene of misery
 “ and distress. The great fire of London was this
 “ event ; and it was ascribed to the papists.”

From this time, the odium, manifested against the
 roman-catholics, during the usurpation, and in the
 three preceding reigns, rapidly increased ; and on
 Oates’s revelations, became actual madness.

XXXII. 3.

Oates’s Plot.

WE now reach the event in this monarch’s reign,
 in which the English catholics are most interested ;

—the plot charged on them by Titus Oates. The facts relating to it, are so well known, as to render any particular mention of them, in this place, altogether unnecessary.—The account, which Hume gives of it, is one of the most highly finished parts of his history; and probably has been perused by every reader of these pages. A more ample account of it, and a collection of the principal documents relating to it, have lately appeared, in “*An historical account of the horrid plot and conspiracy of Titus Oates, called the Popish Plot, in its various branches, and progress; selected from the most authentic protestant historians, to which are added some cursory observations on the Test Act. London, published by M. E. Andrews, 5, Orange-street, Red Lion Square.*”

In his *History of James the Second*, the late Mr. Fox presents the following summary view of the parties concerned in the fabrication or prosecution of the plot. “Although, upon a review of this truly shocking transaction, we may be fairly justified in adopting the milder alternative, and in imputing the conduct of the greater part of those concerned in it, rather to an extraordinary degree of blind credulity, than the deliberate wickedness of planning, and assisting in the preparation of legal murders; yet, the proceedings in the popish plot must always be considered as an indelible disgrace upon the English nation, in which the king, parliament, judges, juries, witnesses, prosecutors, have, all, their respective, but certainly not their equal shares. Witnesses of such a character, as not to deserve

“ credit, in the most trifling cause,—upon the most
 “ immaterial facts,—gave evidence so incredible, or, to
 “ speak more properly, so impossible, that it ought not
 “ to have been believed, if it had come from the mouth
 “ of Cato ; and, upon such evidence, from such wit-
 “ nesses, were innocent men condemned and executed.
 “ Prosecutors, whether attornies-general, and solici-
 “ tors-general ; or managers of impeachment, acted
 “ with the fury, which, in such circumstances, might
 “ be expected. Juries partook naturally of the national
 “ ferment ; and judges, whose duty it was to guard
 “ them against such impressions, were scandalously
 “ active, in confirming them in their prejudices, and
 “ inflaming their passions. The king, who is supposed
 “ to have disbelieved the whole of the plot, never once
 “ exercised his glorious prerogative of mercy.”

In this dreadful scene of wickedness, it is diffi-
 cult not to assign the pre-eminence of guilt, to
 Anthony Ashley Cooper, earl of Shaftesbury. If
 he did not first contrive, he certainly availed himself
 of the fictions of Oates, to work up the nation to
 the fury, which produced the subsequent horrors.
 The only objection to this supposition, is, the ab-
 surdity of the circumstances, with which Oates’s nar-
 rative of the plot was stuffed ; and which, it is said,
 no man of sense could have imagined. To this,
 his lordship’s reply, in a conversation, related in
North’s Examen, p. 95, is a complete answer :—
 “ A certain lord,” says Mr. North, “ once asked
 “ lord Shaftesbury, what he intended to do with
 “ the plot, which was so full of nonsense, as would
 “ scarce go down with *tantum non idiot*.—What,

“ then, could he promise, by pressing the belief of
 “ it upon men of common sense, and especially on
 “ parliament ?” “ It is no matter,” says the earl
 “ —the more nonsensical, the better. If we can-
 “ not bring them to swallow worse nonsense than
 “ that, we shall never do any good with them.”

In extenuation of the delusion of the populace, something may be offered. The defamation of a century and an half had made the catholics the objects of protestant odium and distrust : and these had been increased by the accusation, artfully and assiduously, fomented,—of their having been the authors of the fire of the city of London. The publication too, of Coleman’s letters, certainly, announced a considerable activity in them to promote the catholic religion; and contained expressions, easily distorted to the sense, in which the favourers of the belief of the plot wished them to be understood. Danby’s correspondence, likewise, which had long been generally known, and was about this time made public, had discovered, that Charles was in the pay of France. These, with several other circumstances, had inflamed the imaginations of the public to the very highest pitch. A dreadful something,—(and not the less dreadful because its precise nature was altogether unknown),—was generally apprehended. *Omne ignotum pro magnifico*, is equally true, when the imagination is shaken by terror, as when it is elevated by admiration.

While the minds of men were in this state of suspense, and agitation, another event happened, which wound them up to fury. Sir Edmondbury Godfrey, a magistrate, who had taken Oates’s informations,

was suddenly missed. After a search of several days, his body was found in a ditch, at Primrose-hill, near Hampstead. Who were the authors of his murder, is, even yet, a secret ; neither has any rational conjecture, respecting the manner of his death, yet been suggested. Hume, however, unequivocally declares, that “ his assassination by the catholics is utterly improbable.” To increase the frenzy of the populace, the dead body was carried into the city, attended by vast multitudes ; publicly exposed ; and then buried, with great parade. A funeral sermon was preached. Two able-bodied divines ascended the pulpit ; and stood on each side of the preacher, “ lest,” as it was said, “ in paying the last duties to the unhappy magistrate, he should, before the whole people, be murdered by the papists.”—The delusion was general : The city prepared for its defence, as if the enemy were at the gates.—“ Were it not,”—said sir Thomas Player, the chamberlain, “ for these precautions, all the citizens of London would rise with their heads off.”

In this state of the public mind, the trials of several persons, accused by Oates, came on. Coleman was first brought to trial. He was condemned and executed,—persisting, to the last, in asserting his absolute ignorance of the plot. The trial of father Ireland, immediately followed. He “ proved,” says Hume, “ by *good* evidence, that he was in Staffordshire, at the time, when Oates’s evidence made him in London ; and would have proved it by *undoubted*, had he not, most iniquitously, been debarred, when in prison, from all use of pen, ink

“ and paper ; and denied the liberty of sending for witnesses.” Several others were executed, for their pretended share in the conspiracy. They all died, with great resignation ; declaring, with their latest breath, in terms, equally modest, and explicit, their innocence, and their absolute ignorance of the plot.

The solemn declarations of these unhappy men, the piety, and meekness, which they showed in their last moments, made, at length, some impression upon the public. It was increased by the acquittal of sir George Wakeman, the queen’s physician ; and by the outrageous conduct, and gross prevarications, of Oates, and his associates, on that trial.

Some, however, still persisted in urging the reality of the plot. Five catholic peers were imprisoned in the Tower. “ The viscount Stafford,” says Hume, “ from his age, infirmities, and narrow capacity, was deemed the least capable of defending himself, and was, therefore, determined, that he should be the first victim. The clamour, and outrage, of the populace, during his trial, were extreme. Great abilities, and eloquence, were exerted against him by the managers*,—sir William Jones, sir Francis

* Bishop Burnet, in the History of his own Time, (fol. edition, vol. i. p. 489.) records the following extraordinary circumstance, which took place during this trial. “ Turberville,”—who was the principal evidence against lord Stafford,—“ upon discourse with some in St. Martin’s parish, seemed inclined to change his religion: They brought him to doctor Lloyd,”—(who was bishop of St. Asaph, when the fact related by Burnet took place,)—“ then their minister: and he convinced him so

“ Winnington, and sergeant Maynard. Yet, did the
 “ prisoner, under all these disabilities, make a better
 “ defence, than was expected, either by his friends,
 “ fully, that he changed upon it : and after that, he came often
 “ to him, and was chiefly supported by him : for some months,
 “ he was constantly at his table : Lloyd had pressed him to
 “ recollect all he had heard among the papists relating to plots
 “ and designs against the king or the nation. He said that,
 “ which all the converts at that time often said, that they had
 “ it among them, that, within a very little while, their religion
 “ would be set up in England, and that some of them said, a
 “ great deal of blood would be shed before it could be brought
 “ about : *but he protested that he knew no particulars.* After
 “ some months’ dependance on Lloyd, he withdrew entirely from
 “ him ; and he saw him no more till he appeared now, as evidence
 “ against lord Stafford : Lloyd, was in great difficulties upon
 “ that occasion. *It had been often declared, that the most solemn*
 “ *denials of witnesses, before they make discoveries, did not at*
 “ *all invalidate their evidence, and that it imported no more, but*
 “ *that they had been so long firm to their promise of revealing*
 “ *nothing.* So that this negative evidence against Turberville
 “ could have done lord Stafford no service †. On the other
 “ hand, considering the load that already lay on Lloyd on
 “ account of Berry’s business, and that his being, a little before
 “ this time, promoted to be bishop of St. Asaph, was imputed
 “ to that, it was visible that his discovering this against Tur-
 “ berville would have aggravated those censures, and very much
 “ blasted him.—In opposition to all this, *here, was justice to be*
 “ *done, and a service to truth, towards the saving a man’s life ;*
 “ and the question was very hard to be determined. He advised
 “ with all his friends, and myself in particular. The much
 “ greater number was of opinion that he ought to be silent. *I*
 “ said, my own behaviour in Staly’s affair shewed, what I would
 “ do

† Surely this conclusion was contrary to common sense, and the established rules of evidence of every civilized nation.

“ or his enemies. The unequal contest, in which he
 “ was engaged, was a plentiful source of compassion
 “ to every mind, seasoned with humanity. He re-
 “ marked the infamy of the witnesses, and the con-
 “ tradictions and absurdities of their testimony;—
 “ and, with a simplicity, and tenderness, more per-
 “ suasive than the greatest oratory, he made protes-
 “ tations of his innocence, and could not forbear every
 “ moment, expressing the most lively surprize and
 “ indignation, at the audacious impudence of the
 “ witnesses.

“ It will appear,” continues Hume, “ astonishing
 “ to us, as it did to Stafford himself, that the peers,
 “ after a solemn trial of six days, should, by a major-
 “ ity of twenty-six voices, give sentence against him.
 “ He received, however, with resignation, the fatal
 “ verdict.

“ He prepared himself for death, with the intre-
 “ pidity, which became his birth and station; and
 “ which was the natural result of the innocence, and
 “ integrity, which, during the course of a long life,
 “ he had ever maintained. His mind seemed even
 “ to collect new force, from the violence, and oppres-
 “ sion, under which he laboured. When going to
 “ execution, he called for a cloak to defend him against
 “ the rigour of the season. “ Perhaps,” said he, “ I

“ do in that case; but his circumstances were very different:
 “ so, *I concurred, with the rest, as to him.*

In perusing this passage, the reader will probably be at a loss, whom most to admire, bishop Lloyd, who withheld from lord Stafford, the benefit of a testimony, which, at least, *might* have saved his life, or the cool indifference with which bishop Burnet relates the strange event, and his share in it.”

“ may shake with cold ; but, I trust in God, not
“ for fear.” On the scaffold, he continued, with
“ reiterated, and earnest asseverations, to make pro-
“ testations of his innocence. All his fervour was
“ exercised on this point. When he mentioned the
“ witnesses, whose perjuries had bereaved him of life,
“ his expressions were full of mildness and of charity.
“ He solemnly disavowed all those immoral principles,
“ which over-zealous protestants had ascribed, without
“ distinction, to the church of Rome. And he hoped,
“ he said, that the time was now approaching, when
“ the present delusion would be dissipated ; and when
“ the force of truth, though late, would engage the
“ whole world to make reparation to his injured
“ honour.

“ The populace, who had exulted at Stafford’s
“ trial and condemnation, were now melted into tears,
“ at the sight of that tender fortitude, which shone
“ forth in each feature, and motion, and accent of
“ this aged noble. Their profound silence was only
“ interrupted by sighs and groans. With difficulty
“ they found speech to assent to those protestations of
“ innocence, which he frequently repeated : ‘ We be-
“ lieve you, my lord ! God bless you, my lord !’ These
“ expressions, with a faltering accent, flowed from
“ them. The executioner himself was touched with
“ sympathy. Twice, he lifted up the axe, with
“ an intent to strike the fatal blow ; and, as often,
“ felt his resolution to fail him. A deep sigh was
“ heard to accompany his last effort, which laid Staf-
“ ford, for ever, at rest. All the spectators seemed
“ to feel the blow. And, when the head was held

“ up to them, with the usual cry, *This is the head of*
 “ *a traitor*, no clamour of assent was uttered. Pity,
 “ remorse, and astonishment, had taken possession of
 “ every heart ; and displayed itself in every coun-
 “ tenance.”

It should be mentioned, that, to vindicate the principles of his faith from the heavy and injurious aspersions, thrown out against them, lord Stafford referred to a short treatise, written by a priest of the church of Rome, intitled, “ *Roman-catholic Principles, in reference to God and the King**.”

It is to be observed, that, in the following reign, a bill was brought into the house of lords to reverse the attainder of lord Stafford, and passed the house of lords ; but failed in the house of commons. Surely the reversal of it, is an act of justice due from the public to his posterity.

“ The blood of lord Stafford was,” says Hume,
 “ the last which was shed, on account of the popish
 “ plot :—an incident, which, for the credit of the
 “ nation, it were better to bury in eternal oblivion ;
 “ but which it is necessary to perpetuate, as well to
 “ maintain the truth of history, as to warn, if possi-
 “ ble, their posterity and all mankind, never again to
 “ fall into so shameful, and so barbarous, a delusion.”

With these reflections, Hume concludes his account of this wonderful event.

For many persons, otherwise truly respectable, who

* It has been often reprinted ; and recently, by the reverend John Kirk, with an elaborate inquiry respecting the previous editions, and the author ; 8vo. 1815.—We shall insert it, in the Appendix, note 1.

suffered themselves to be carried away by the general delusion, some excuse, perhaps, may be found. But, for the judges, who presided at the trials; or, for the law officers, who conducted the prosecutions, none, certainly, can be offered. All these must have known, that, in the trials of men, accused of treason, the only circumstances to be considered, are,—whether the act, on which they are indicted, be treasonable;—and whether there be legal evidence to convict them of it. Now, it was absolutely impossible, that either the judges, or the officers of the crown, should not have been completely sensible of the total want of legal evidence of guilt, in every case, that was brought before the court.

In his assertion, that “the blood of lord Stafford” was the last that was shed, on account of the popish “plot,” Hume was mistaken; as the execution of doctor William Plunket, the catholic archbishop of Armagh, took place, in the following year. Several protestant writers, as Burnet*, Echard†, and Baker‡, speak of this prelate in terms of great respect.—“In the mean time,” says the last of these writers, “came on the trial of Dr. Oliver Plunket, a popish titular bishop of Armagh, who called himself primate of all Ireland. He was a worthy and a good man;—in low circumstances, living quietly, and contentedly, meddling with nothing, but the concerns of his function; and dissuading all about him from

* History of his own Times, vol. i. p. 502.

† History of England, vol. iii. p. 631.

‡ Chronicle, p. 760.

“ entering into any turbulent, or factious, multitude.
“ But, while the popish plot was warm, some lewd
“ Irish priests, and others of that nation, hearing, that
“ England was disposed to hearken to good swearers,
“ thought themselves qualified for the employment.
“ So they came over, with an account of a plot, in Ire-
“ land; and were well received by lord Shaftesbury.”
—The archbishop was sent over; and brought to trial. “ The evidence swore, that upon his being
“ made primate of Ireland, he engaged 60,000 or
“ 70,000 Irish to be ready to join with the French,
“ to destroy the protestant religion; and to get
“ Dublin, Londonderry, and all the sea ports into
“ their hands.” He was first arraigned, and brought to trial, in Dublin; and then, contrary to every formality of law, sent over to England; and, after six months’ close confinement, brought to the bar, condemned and executed.—Standing on the cart, which brought him to the place of execution, he addressed the spectators at length;—in the most moving terms, unequivocally asserting his innocence; forgiving the judges, and witnesses; and imploring the blessing of God on the king, and on every branch of the royal family.—Echard relates, that “ he had been assured,
“ by an unquestionable authority, that the earl of
“ Essex,” (who had been lord lieutenant of Ireland),
“ was so sensible of the poor man’s hardship, that he
“ generously applied to the king for a pardon; and
“ told his majesty, *the witnesses must needs be per-
“ jured; for, that the things, sworn against him,
“ could not possibly be true.* Upon which, the king,
“ in a passion, said, *Why did you not attest this at*

“ *his trial? It would have done him good then. I dare not pardon any one. And so, concluded with the same kind of answer, he had given another person formerly: His blood be upon your head, and not upon mine.*”

In 1680, while the memory of these transactions was still recent,—and while all the agitators of the impositions were living, a most eloquent, and argumentative, vindication of the sufferers was published, under the title of *The Papist's Plea*. It was afterwards printed among *Lord Somers's tracts*; and several extracts from it may be found in Mr. Andrews's *Historical Account*, just cited.—But the most eloquent vindication of the catholics, from the charge of being concerned in Oates's plot, is, the “*Apologie pour les Catholiques, contre les fausetés, et les calomnies d'un livre, intitulé, La Politique du Clergé de France: Fait premièrement en François, et puis traduit en Flamand. A Liege, 1681.*” 2 vols. 8vo. The celebrated Arnaud was the author of this work. In powerful reasoning, and splendid eloquence, it has seldom been equalled. In these terms, cardinal Maury mentions it, in his “*Essai sur l'Eloquence de la Chaire.*” If any doubt remain upon any mind, respecting the fabrication, or the imposture, of the plot, the perusal of Arnaud's *Apologie* must remove it.

In the following reign, Oates was tried, and condemned, for perjury. “And never was a criminal,” says Hume, “convicted on fuller, or more undoubted, evidence.”

For their supposed part in the plot, ten laymen, and seven priests, one of whom was seventy, another

eighty years of age, were executed. Seventeen others were condemned; but not executed. Some died in prison, and some were pardoned. On the whole body of catholics, the laws were executed with horrible severity. Individuals are still living, whose fathers have told them what *their* fathers used to relate of the wretchedness and misery, of the general body, whilst the delusion lasted. Even at that distance of years, few of them could speak of it, without evident agitation and horror.

On this occasion, Hume has certainly done justice to the catholics:—But the writer can assure his readers, that they can form no conception of the wicked arts, that were practised to instil the belief of the plot into the public mind, and to induce juries to find the catholic prisoners, guilty of the plot, and of the death of sir Edmondbury Godfrey, without perusing the trials themselves. All the information, the reader can desire, is collected in Mr. Andrews's publication.—Yet, it principally was from these scenes, that the antient prejudice against the catholics, originated.

XXXII. 4.

1. *The Corporation Act:* 2. *The Test Act:* 3. *The Act disabling Peers from sitting, and voting, in the House of Lords.*

THE calamities of the catholics, in the reign of Charles the second, were aggravated by the long odium,

which the infamous charges brought against them, had created ; and which it required nearly a century to subdue. They were aggravated also by the legislative acts, which even yet subject them to several depressing, and painful disabilities.

1. The first of those was the *Corporation Act*. This was levelled at the favourers of the usurpation, who, in the time of the commonwealth, had become members of corporations.

“ During the violent and jealous government,” (says Hume), “ of the long parliament, and of the protector, all magistrates liable to suspicion, had been expelled the corporations ; and none had been admitted, who gave not proofs of affection to the ruling powers, or who refused to subscribe the covenant. To leave all authority in such hands, seemed dangerous. The parliament, therefore, *Cor. Act.* (by the act commonly called *the Corporation Act*, 13 Cha. II.), empowered the king to appoint com- *13. 6. 2.* missioners for regulating the corporations ; and expelling such magistrates, as either intruded themselves by violence, or professed principles, dangerous to the constitution, civil and ecclesiastical. It was also enacted, that all magistrates should disclaim the obligation of the covenant ; and should declare, both their belief, that it was not lawful, upon any pretence whatever, to resist the king, and their abhorrence of the traiterous position of *taking arms*, by the king’s authority, against his person, or against those, who were commissioned by him.”

It was farther provided, that no person should be legally elected into any office, relating to the govern-

ment of any city, or corporation, unless, within a twelve-month before, he had received the sacrament, according to the rites, and ceremonies, of the church of England. He was also enjoined to take the oaths of allegiance, and supremacy, at the same time, that he should take the oath of office. And, on non-compliance with either of these requisites, the election was declared to be void.

2. By the Test Act, (25 Cha. II. ch. 2.), all officers, civil and military, are directed to take the oaths of allegiance, and supremacy; and to make the declaration against transubstantiation, in the court of king's bench, or in the court of chancery; in the next term, or next quarter sessions; or, (by subsequent statutes), within six months next after their admission; and, within the same time, to receive the sacrament of the Lord's Supper, according to the usage of the church of England, in some public church, immediately after divine service, and sermon, on pain of a forfeiture of 500*l.*; and a disability to hold the office.

3. By a subsequent statute, (30 Cha. II. st. 2. ch. 1.) a severer test was introduced. It contained a declaration, commonly called the declaration against popery, —denying transubstantiation; and asserting the invocation of the virgin Mary, and other saints, and the sacrifice of the mass, to be superstitious, and idolatrous. It prescribed that no peer should vote, or make his proxy, in the house, or sit there, during the debates; and that no member of the house of commons should vote in the house, or sit there, during any debate, until he should first take the oaths of allegiance and supremacy; and make and subscribe the declaration, contained in the act.

The act passed the commons, without much opposition; "but, in the upper house," says Hume, "the duke of York moved, that an exception might be admitted in his favour. With great earnestness, and even with tears in his eyes, he told them, that he was now to cast himself on their kindness, in the greatest concern, which he could have in the world; and he protested, that whatever his religion might be, it should only be between God and his own soul. Notwithstanding this strong effort, in so important a point, he prevailed, *only* by two voices."

With the reign of Charles the second, the sanguinary part of the penal code against the roman-catholics finally closes.

CHAP. XXXIII.

JAMES THE SECOND.

1685.

NOTWITHSTANDING his imprudence and weakness,—notwithstanding even his offences against the constitution, a generous mind will always read the history of James the second*, with compassion; and this compassion will rise to an higher feeling, when he

* The fragment of the history of this reign by the late Mr. Fox, though open to great objection, is a noble production, and does honour to his memory

considers, that the misfortunes of the monarch were owing, in a great measure, to his sincere and undissembling mind; and to the treacherous councils of his principal minister,—the earl of Sunderland,—who even formally embraced, and most openly professed the roman-catholic religion, in order to deceive his royal master the more effectually.

The sincerity, which we have ascribed to James, has generally been admitted. His industry, perseverance, and skill, in the official details of business, have been universally allowed. Never, since his reign, has the nation been without obligations to him. “It does not appear,” says Mr. Clarke, the editor of the *Life of James the Second, collected out of Memoirs written with his own hand, pref. xxxi.*,—that the “difficulties, which James had to struggle with, have “always been sufficiently considered by historians; “nor does it appear, that the essential and lasting “service, which James rendered to his country, in “compacting, and, as it were, building up its naval “power, have been sufficiently weighed. It is not “generally known, that the naval regulations, now “in force, are taken, almost verbatim, from those, “which he established; or that, when lately the board “of naval revision wished to add to, and improve the “naval regulations, they sent for the papers of Pepys, “the marine secretary of James, as being the best “materials, whence they could obtain the object, “they had in view.”

The sincerity of James, has, it is true, been questioned, in those reiterated promises, which he made of preserving the liberties of the nation; and which,

in every part of his short reign, he repeatedly violated. This objection is however, satisfactorily answered, by observing, that these invasions of the national rights were perfectly reconcileable with the monarch's *own notions*, however erroneous, of the constitution; so that, although they were certainly gross infractions of it; they still were not such, in his opinion.

His disturbing the legal settlement of the religion of his country, has been a subject of still more severe reprehension. Had he maturely examined, what was the greatest degree of toleration, which the actual temper of the times, and the welfare of his country, would allow him to procure for his catholic subjects; had he prepared the public mind to receive this favourably; and had he established it by a legislative act,—then, it would have been a salutary measure; and have placed him among the benefactors of humanity. But,—(even if he contemplated nothing beyond complete toleration),—he yet aimed at more than the times would bear; and he attempted to accomplish his aim, by means, which were wholly repugnant to the constitution. His aim may, perhaps, admit of some excuse; the means, to which he resorted, admit of none.

Still, one circumstance, should be related, which seems to show, that he possessed the true spirit of toleration. On the revocation of the Edict of Nantes, a large proportion of the Huguenots took refuge in this country. The hospitality, with which they were received, was most exemplary; and James himself animated the spirit of the nation, both by his ex-

hortations and his example. It was the more meritorious, as it was a silent reproof of his great friend and ally, Lewis the fourteenth, and his wretched advisers.

It should also be observed, that none disapproved of the arbitrary measures of the monarch, more than the catholics themselves. "All judicious persons of the catholic communion," says Hume, "were disgusted with those measures; and foresaw their consequences. Lord Arundell, lord Powis, and lord Bellasyse, remonstrated against them, and suggested more moderate councils."—The Spanish ambassador, and even the pope himself, pointed out to James the indiscretion of his proceedings. When lord Tyrconnel disclosed his plans for catholicising Ireland, lord Bellasyse declared, "he was fool and madman enough to ruin ten kingdoms."

Yet,—with all his misconduct, James had an English heart.—His exclamation, at the sea-fight of La Hogue, will ever be remembered.—Seeing the seamen, in swarms, scrambling up the lofty sides of the French ships from the boats, he cried.—"Ah! none but my brave English could do so brave an action!"

Who therefore, that reflects on these, and on some other passages, in the monarch's life, does not sympathize in his agonizing woe, when he was told, that Churchill, whom he had raised from a page to a high rank in the army, and on whom he had conferred a peerage, had fled,—taking with him to the prince of Orange, the princess Anne, whom he tenderly loved.—"Oh, my God!" exclaimed the afflicted father, "what will become of me! Even my own

“ children have forsaken me ! ”—On one occasion, sir Charles Littleton observed before him, that “ he “ was ashamed to say, his son was with the prince of “ Orange.”—James gently interrupted him, with these words.—“ Alas ! sir Charles, why ashamed ! “ are not my daughters with him, too ? ”

The subsequent history of the exiled Stuarts, sir John Dalrymple has comprised in a few words. “ Retiring from the view of the battle of La Hogue, “ —The monarch said,—Heaven fought against “ him !—Slowly, and sadly, he returned to bury the “ remembrance of his greatness in La Trappe. All “ his attempts, and those of his family afterwards, to “ recover the throne of their ancestors, were either “ disappointed by the insincerity of French friend- “ ship, or were the mere efforts of despair.”

“ The attempt,” says Voltaire*, “ to make, or “ to establish a state-religion, is, sometimes, very easy. “ By different methods, and without encountering “ any dangers, Constantine, Clovis, Gustavus Vasa, “ and queen Elizabeth, established a new religion, in “ their several kingdoms : but, for such changes two “ things are absolutely necessary,—great political “ talents, and favourable circumstances. James the “ second had neither.”

* Siècle de Louis XIV. ch. 15.

CHAP. XXXIV.

WILLIAM III,—QUEEN ANNE, GEORGE I.

GEORGE II.

IN different parts of this work, the writer has availed himself of a publication, intituled, *The state and Behaviour of English catholics from the Reformation to the year 1780*, in one vol. 8vo. 1780. Its author is the rev. Joseph Berington, to whom the public is indebted for many other publications, replete with learning and talent; but, particularly for his *Life of Henry the Second*; and his *History of the Literature of the middle Ages*. With his permission, the following account of the state of the roman-catholics, during the reigns, I. of William the third; II. Of queen Anne; III. Of king George the first; IV. and George the second, is copied, with some omissions, from the work, to which we have expressed ourselves to be already so much indebted.

XXXIV. 1.

William the Third.

1688.

“ As the Revolution, in the year 1688, took place in opposition to James’s wild projects of introducing popery, the catholics, it should seem, had much to apprehend from the event. But, William was too

good a politician to be inclined to ways of violence, or persecution. He had been educated in a school, which taught him to appreciate merit, or demerit, in a subject, not from his religious tenets ; but, from the powers, he possessed, to promote, or to oppose the designs of his master. Catholics, therefore, soon experienced the lenity of his government ; and, though the laws against them remained unrepealed, yet they were seldom put into rigorous execution. They themselves were not dissatisfied with their condition : it was bad indeed ; but, they had expected that it would have been much worse.

In the beginning of his reign, to conciliate the affections of the dissenters, whom he feared, the king passed the famous *Toleration Act*, by which they were freed from the penalties of the *Act of Uniformity* ; and to indulge the ill humour of others, though contrary to his line of politics, yet, because he did not fear them, he permitted some severe statutes to be enacted against the catholics. By these, they are ordered to remove ten miles from Westminster ; and not to keep arms ; or to be in possession of any horse, above the value of five pounds. The universities were vested with the advowsons belonging to them ; and, that the most distant hope of introducing popery might be for ever precluded, an act of parliament passed,—declaring, that no papist, nor any one, who marries a papist, shall inherit the Crown.

When James was in Ireland attempting to recover the sceptre, which he had forfeited ; and, when again, two years after, assisted by the French with a formidable fleet, he meditated a descent in England, the

catholics kept themselves quiet. Nor, in the two desperate plots, which were formed to restore the fallen king, in the last of which, the design was to assassinate William, are there any catholics to be found, of the least note, or interest. Men of abandoned character, and of desperate fortune, as I have often before observed, are always ready to engage in such attempts. But, in both plots, names were discovered of many protestants, even of the whiggish faction, which were capable of giving splendor to the darkest designs. The king even wished not to know, says Burnet, the number of those, who were in conspiracy against him ; and declined all rigid inquiry.— It is rather singular, that factious men had now abandoned the old trick, of alarming the nation with the horrors of some popish plot, that their own schemes might go on, unobserved : The reason probably was, they knew William to be a prince, too inquisitive to be imposed on by fiction ; and too determined to be intimidated by the recital of imaginary dangers.

In 1699, the 11th of William, an act passed, for *further preventing the growth of popery*, of peculiar severity. A reward of one hundred pounds is offered, for apprehending any priest, or jesuit. Papists not taking the oaths, in six months, after eighteen years of age, are declared incapable of inheriting lands, &c. ; and the next of kin, a protestant, is to enjoy the same : also, papists are made incapable of purchasing lands. Ambassadors are not to protect priests, that are subjects of England : Sending a child to be educated abroad in the Romish religion, is punishable by a forfeit of one hundred pounds : Popish parents are

obliged to allow a maintenance to their children becoming protestants, at the chancellor's determination.

The last clause excepted,—there is something so singularly cruel in this act, made at a time, when it does not appear, that catholics had given any just cause of provocation, that to a person unacquainted with the circumstances, in which it passed, it must appear strangely unaccountable. This is the act, parts of which the humanity, and christian moderation, of a British parliament has lately,—(1778)—thought proper to repeal.—I shall give, in bishop Burnet's own words, who was, at the time, himself in the house, a short history of the passing of this singular act.

“ Upon the peace of Ryswick,” says he, (two years before), “ a great swarm of priests came over to England; not only those, whom the Revolution had frightened away, but many more new men, who appeared in many places, with great insolence; and it was said, that they boasted of the favour and protection, of which they were assured. Some enemies of the government began to give it out, that the favouring of that religion, was a secret article of the peace; and so absurd is malice, and calumny, that the jacobites began to say, that the king was, either of that religion, or, at least, a favourer of it. Complaints of the avowed practices, and insolence, of the priests were brought from several places, during the last session of parliament; and those were maliciously aggravated by some, who cast the blame of all on the king.

“ Upon this, some proposed a bill, that obliged all

“ persons, educated in that religion, or suspected to
“ be of it, who should succeed to any estate, before
“ they were of the age of eighteen, to take the oaths of
“ allegiance, and supremacy ; and the test, as soon as
“ they came to that age ; and, until they did it, the
“ estate was to devolve to the next of kin, that was a
“ protestant ; but, was to return back to them, upon
“ their taking the oaths. All popish priests were
“ also banished by the bill, and were adjudged to
“ perpetual imprisonment, if they should again return
“ to England ; and the reward of a hundred pounds
“ was offered to every one, who should discover a
“ popish priest, so as to convict him. Those, who
“ brought this into the house of commons, hoped,
“ that the court would have opposed it ; but, the
“ court promoted the bill ; so, when the party saw
“ their mistake, they seemed willing to let the bill
“ fall ; and when that could not be done, they clogged
“ it with many severe, and some unreasonable,
“ clauses ; hoping, that the lords would not pass the
“ act ; and it was said, that, if the lords should make
“ the least alteration in it, they, in the house of com-
“ mons, who had set it on, were resolved to let it lie
“ on the table, when it should be sent back to them.
“ Many lords, who secretly favoured the papists on
“ the jacobite account, did, for this reason, move for
“ several alterations ; some of these importing a
“ greater severity ; but, the zeal against popery was
“ such in that house, that the bill passed, without
“ any amendment ; and it had the royal assent.”—
Such is bishop Burnet’s account of this extraordinary
bill.

XXXIV. 2.

Queen Anne.

1702.

“ DURING the thirteen years,” continues Mr. Berington, “ of queen Anne’s reign, who, on the death of William, in 1702, succeeded to the throne, catholics were permitted to live free from molestation ; subject only to such restraints, as former laws had imposed. They were, by no means, disagreeable to Anne. She recollected the loyalty, they had always shown to her family ; nor did their present attachment to her unfortunate brother James give her displeasure. Her throne was too firmly fixed to be shaken by a reed, so broken. The nation at large, amused with the sound of victories, which on all sides attended our arms ; and engaged in the animosity of political altercations, lost sight of every other object. Enthusiasm in politics had taken place of enthusiasm in religion.—The leading men of the catholic party, though removed from the concerns of state, warmly espoused the tory interest ; whilst the body itself, now reposing from the violence of former oppression, seemed to enjoy their present small allotment of ease, and sometimes, perhaps, amused themselves with the vain reflection, that, at the death of Anne, their favourite James might be called to the throne of his ancestors.

“ In the 12th year of her majesty, some complaints being made against catholics,—though I cannot find of what nature they were,—a bill passed against them,

for rendering more effectual the act of king William. By this, they are disabled from presenting to benefices; and the benefices in their presentation are confirmed to the two universities, who may prefer bills in chancery to discover fraudulent trusts."

XXXIV. 3.

George the First.

1714.

"Pursuant to the *act of succession*, on the death of Anne, George the first, the next protestant heir,"—continues Mr. Berington,—“came to the throne, in 1714.—In Germany, he had learned a lesson of religious moderation. Where catholics and protestants blend promiscuously together; and pray to God under the same roof; all acrimony, and marks of odious distinction, must necessarily disappear. He likewise perceived, they were too insignificant to create any uneasy solicitude; nor did he wish to provoke a worm by wanton severities. The word *popery*, to his ears, conveyed no ideas of horror: jacobitism was a sound, more replete with danger and suspicion. The catholics themselves, though sorely disappointed, were little inclined to murmur, when they saw before them a fair prospect of tranquillity, which nothing, it appeared, but their own folly, could disturb.

“In the rebellion of 1715, so rashly concerted to restore the pretender, we find names of every description, in religion, and politics;—tories, whigs,

church-of-England-men, dissenters, and catholics. The discontented of all parties engaged.

“ When men act from principles, however erroneous, they acquire a consistency of character, which, by proper management, may be directed to much good. George weighed attentively the motives, which had drawn the catholics into the rebellion.

“ He admired their steady, though mistaken loyalty : he pitied their blindness ; and he wished to reclaim them. A project, therefore, in the year 1719, was set on foot ; and I believe, with serious design, to give them ease, and thereby to ensure their future allegiance. Ministry were engaged in the scheme ; and seemed to wish it success. But this also ended, just as every other project had ended before. The committee of catholics, appointed to conduct the business, disagreed among themselves. The affair sunk ; and was heard of no more. The principal agent was Dr. Strickland, afterwards bishop of Namur, who was very intimate with the king ; and whose views, had they been followed, might have brought certain relief to his party. But, there was a narrowness in the minds of catholics,—laity as well as clergy,—which little less than miraculous powers could have enlarged. Thanks to Heaven ! those powers, from that time, began to operate ; and the present generation dares to think, and to act, on a more liberal, and extensive plan.”

“ Some laws, even during this reign, were made against catholics. Their hard fate would have it, that no era of British liberty should be left, without some mark of their oppression ! By the first of George,

within six months after they come to the age of twenty-one, they are obliged to register their names, and estates, with the clerk of the peace. The non-compliance with this form was to be punished with forfeiture of estate, &c. By the third of George, they are charged with an additional expense in every family-transaction, by being compelled to enroll all deeds, &c. They were also loaded with the payment of a double sum, assessed upon protestants by the land-tax act ; but, this, I believe, was first ordered, in the reign of William."

From Mr. Coxe's able *Life of Sir Robert Walpole**, the writer transcribes the following interesting account of a pecuniary mulct imposed in this reign on the general body of the English catholics,—and the general body of nonjurors.

" In November 1722, Walpole introduced a bill
" for raising 100,000*l.*, by laying a tax on the
" estates of papists, which was afterwards extended
" to all nonjurors. The liberal spirit of the present
" age, condemns a measure, which tended to increase
" the disaffection of a large body of subjects ; and
" which the arguments, advanced by the minister in
" its favour, were calculated only to palliate, but
" could not justify. For, on being urged by several
" members, and particularly by Onslow, who declared
" his abhorrence of persecuting any set of men, be-
" cause of their religious opinions, Walpole repre-
" sented ' the great dangers incurred by this nation,
" since the Reformation, from the constant endea-

* Vol. i. p. 305.

“vours of papists to subvert our happy constitution,
“and the protestant religion, by the most cruel, vio-
“lent, and unjustifiable methods; that he would not
“take upon him to charge any particular person
“among them, with being concerned in this horrid
“conspiracy: That it was notorious, that many of
“them had been engaged in the Preston rebellion;
“and some were executed for it; and that the pre-
“sent plot was contrived at Rome; and countenanced
“in popish countries; that many of the papists were,
“not only well-wishers to it, but had contributed
“large sums for so nefarious a purpose; and, there-
“fore, he thought it but reasonable, they should bear
“an extraordinary share of the expenses, to which
“they had subjected the nation.’ Whatever opinions
“may be formed of this measure, according to the
“strict rules of theoretical justice, the policy was un-
“questionable. This instance of rigour effectually
“discouraged the catholics from continuing their at-
“tempts against the government, and operated as a
“constant check on the turbulent spirit of the non-
“jurors.”

XXXIV. 4.

George the Second.

1727.

THE writer now returns to Mr. Berington.
“The thirty-three years of George the second’s
reign, which began in 1727, exhibited no material
change in the condition of catholics.

“ At the instigation of French counsels, who never meant to give him any real support ; and hurried on by the bad advice of his misjudging friends, and his own vain ambition, the young pretender, with an army of *seven* men, landed in Scotland. The first success, and subsequent events, of this rash invasion are well known. The rebellion was soon terminated. Some lives were forfeited ; and the tumults subsided. But, a fresh impression was again made, which called up the former animosity of the nation ; and it was said by many, that papists would never peaceably submit to a protestant government. This was an ill-natured charge. For, very few catholics were engaged in the rebellion : and, if the body must suffer for the follies of these few, surely, the same should be the fate of protestants ; for, of these, some in England, and many in Scotland, joined the rebel standard. There is, also, something to plead in favour of catholics, which is not applicable to protestants. These enjoyed all the privileges of British subjects, whilst the former were oppressed ; and this, for the original sin, imputed to their ancestors, in which they at least had no concern. When a prospect of relief opens, may not the wretched strive to enter ? But, he, that is not easy on a bed of roses, deserves to be laid on thorns.

“ When the popular fury had subsided, on the extinction of the rebellion, the catholics gradually returned to their state of tranquillity ; and thus they lived, peaceable, and unoffending subjects ; complying with the respective duties of civil life, and worshipping God, in the very retired, and secret, manner,

the lenity of government allowed, during the remaining part of his majesty's reign."

In 1729, the second year of the reign of this monarch, Matthew Atkinson, a missionary priest, died in Hurst Castle, after an imprisonment in it during thirty years, for the exercise of his religious functions.

CHAP. XXXV.

GEORGE THE THIRD.

GENERAL STATE OF THE ENGLISH CATHOLICS, IN THE REIGN OF GEORGE THE THIRD, BEFORE THE ACT PASSED IN THEIR FAVOUR IN 1778.

1760.

SUCH was the state of the English catholics, when George the third ascended the throne. We shall briefly mention, I. Their general condition, from the Revolution till that period: II. And its gradual improvement.

XXXV. 1.

General condition of the English Catholics, from the Revolution till the Accession of his Majesty.

STILL, the condition of the catholics, was only comparatively ameliorated. For, during the first part of the reign of his present majesty, the catholics suffered a considerable degree of persecution.

Attempts were sometimes made to carry into execution the sanguinary laws against their clergy. In 1769, the honourable James Talbot, the brother of the late, and uncle of the present earl of Shrewsbury, was tried for his life, at the Old Bailey, for saying mass ; and only escaped conviction from the want of evidence. Other priests were prosecuted ; and some, imprisoned for life. On an inquiry made by the writer of these pages, in 1780, respecting the execution of the penal laws against the catholics, he found, that the single house of Dyneley and Ashmall, attornies in Gray's Inn, had defended more than twenty priests, under such prosecutions ; and that, greatly to their honour, they had generally defended them, gratuitously. To avoid these prosecutions, several priests fled beyond the sea, or removed to remote parts of England. In many instances, the laws which deprived the catholics of their landed property, were enforced : cases of this nature are mentioned in the law reports. In other respects, the catholics were subject to great vexation, and contumely. No catholic, who was not alive in those times, can imagine the depression and humiliation, under which the body laboured. Often, in his early life, has the writer heard the ancestors of the catholic youth of that period tell them, that they could form no idea of the sufferings of the catholics, in the beginning of the last century. *He*, in his turn, can now aver, that the present catholic youth, can form no idea of the lamentable state of the catholics, so lately as in the last reign, and the first years of the present. They cannot picture to themselves the

harsh, the contemptuous, and the distressing expressions, which, at that time, a catholic daily heard, even from persons of humanity and good breeding. At a court-ball, a roman-catholic young lady of very high rank, distinguished by character, by beauty, and even by the misfortunes of her family, was treated with marked slight, by the lord chamberlain. "It is very hard," she exclaimed, "to be so treated;—after all, I was invited:—"—and burst into tears. They were noticed by queen Caroline; and, when her majesty learnt the cause, there was not a kind, a generous, or a soothing excuse, which she did not make to her. While this compassionate gentleness showed the amiable mind of the queen, the unfeeling rudeness of the chamberlain as strongly showed the temper of the times. A Norfolk gentleman took a young catholic friend to his seat in that county;—and told him he should make it a point to introduce him to all his friends; "but," said he, "you must permit me to inform them that you are a catholic, for I do not think it fair to introduce a catholic to any one, without first mentioning his religion."—Yet, this gentleman possessed a cultivated understanding, and had travelled.—The writer doubts, whether during the first years of the present reign, any catholic permitted his son to travel, in a stage coach, without previously cautioning him against saying any thing, that might discover his religion.—Such was the general fear of abuse and contumely, in which the catholics then lived.

Two circumstances particularly contributed, both to preserve, and increase the national prejudice against the roman-catholics. From the time of the

Revolution, the state had been divided into a whig, and a tory,—the church, into a high, and a low church, party; and each had its subdivisions. Agreeing in nothing else, all united in professing an abhorrence of popery; and each strove to outdo the other, in its crimination. The passage, which we have cited from bishop Burnet, shows the effect of this rivalry, while the penal enactment of the 10th and 11th of William the third, was in its passage through the parliament. Mr. Burke's description of it is as accurate as it is eloquent.—“ A party,”—said this eloquent senator, in his speech to the electors of Bristol,—“ in this nation, enemies to the system of the Revolution, were in opposition to the government of king William. They knew, that our glorious deliverer was an enemy to all persecution. They knew, that he came to free us from slavery, and popery, out of a country, where a third of the people are contented catholics, under a protestant government. He came, *with a part of his army, composed of those very catholics*, to upset the power of a popish prince. Such is the effect of a tolerating spirit: and so much is liberty served, in every way, and by all persons, by a manly adherence to its own principles. Whilst freedom is true to itself, every thing becomes subject to it; and its very adversaries are an instrument in its hands.

“ The party I speak of,” continues Mr. Burke, “ (like some among us, who would disparage the best friends of their country), resolved to make the king, either violate his principles of toleration, or incur the odium of protecting papists. They, therefore,

“ brought in this bill; and made it, purposely, wicked
“ and absurd, that it might be rejected. The then
“ court party, discovering their game, turned the tables
“ on them; and returned their bill to them, stuffed
“ with still greater absurdities, that its loss might lie
“ upon its original authors. They, finding their own
“ ball thrown back to them, kicked it back again to
“ their adversaries. And thus this act, loaded with
“ the double injustice of two parties, neither of whom
“ intended to pass, what they hoped the other would
“ be persuaded to reject, went through the legislature,
“ contrary to the real wish of all parts of it, and of
“ all the parties, that composed it. In this manner,
“ these insolent, and profligate factions, as if they were
“ playing with balls and counters, made a sport of
“ the fortunes, and the liberties, of their fellow crea-
“ tures. Other acts of persecution have been acts of
“ malice; This was a subversion of justice, from
“ wantonness and petulance. Look into the history of
“ bishop Burnet. He is a witness without exception.

“ The effects of the act have been as mischievous,
“ as its origin was ludicrous, and shameful. From that
“ time, every person of that communion, lay and eccle-
“ siastic, has been obliged to fly from the face of day.
“ The clergy, concealed in garrets of private houses,
“ or obliged to take a shelter,—(hardly safe to them-
“ selves, but infinitely dangerous to their country),—
“ under the privileges of foreign ministers, officiated
“ as their servants, and under their protection. The
“ whole body of the catholics, condemned to beggary,
“ and to ignorance, in their native land, have been
“ obliged to learn the principles of letters, at the

“ hazard of all their other principles, from the charity
“ of your enemies. They have been taxed, to their
“ ruin, at the pleasure of necessitous, and profligate
“ relations; and according to the measure of their
“ necessity and profligacy.”

The other circumstance, particularly serving to preserve and increase the popular odium against the catholics, was their estranging themselves from general society: but, this was their misfortune, not their fault. It was a consequence of the statute, made in the second session of the first year of king George the first, (ch. 13). This statute contains an oath of supremacy, by which persons, taking it, swear, that “ no foreign
“ prince, person, prelate, state or potentate, hath, or
“ ought to have, any jurisdiction, power, supremacy,
“ pre-eminence, or authority, *ecclesiastical, or spi-
“ ritual*, within the realm.” It was required to be taken by certain persons, particularly described; *but it might be tendered to any person*, by any two justices of the peace. Those, who refused to take it, were adjudged to be popish recusants convict, and to forfeit, and to be proceeded against, as such. This was termed *Constructive Recusancy*. It was not the offence itself of recusancy, which, as has been already observed, consisted merely, in the party’s absenting himself from church: it was the offence of not taking the oath of supremacy, and the other oaths, prescribed by the acts of 1 Geo. I; the refusal of which was, by that statute, placed on the same footing, as a legal conviction on the statutes of recusancy; and subjected the party refusing to the penalties of those statutes. Of all the laws against the catholics, this act, from the time of the accession of

the house of Brunswick, was the most severely felt by them. The punishment of recusancy was penal in the extreme; and the persons, objecting to the oath in question, might be subjected to all the penalties of it, merely by refusing the oath, when tendered to them. It added to the penal nature of these laws, that this oath might be tendered, at the mere will of two justices of peace, without any previous information, or complaint, before a magistrate, or any other person. This statute had a silent, but a dreadful, operation. It left catholics at the mercy of every one, who wished to injure, or insult them. Frequently, were they withheld by it from asserting the rights, which the law had left them: and even from urging pretensions, which were not subjects of legal cognisance. It depressed them so much below their legitimate rank in society, that they hardly entered, with the look, or attitude, of freemen, into the meetings of their protestant neighbours. "Such was their situation," to avail myself again of Mr. Burke's forcible, but just expression,— "that they not only shrunk from the frowns of a stern magistrate, but were obliged to fly from their very species;—a kind of universal subserviency, that made the very servant behind their chairs, the arbiter of their lives and fortunes."

XXXV. 2.

The gradual amelioration in the situation of Catholics.

THE first approximation of catholics to the notice of their sovereign took place, in consequence of some attentions, which Edward duke of Norfolk, (to whom

the present duke is third in succession), and Mary, the wife of duke Edward, had an opportunity of showing to Frederick, prince of Wales, during the variance between his royal highness, and George the second, his father. The present king was born at Norfolk-house. It is known that, at this time, George the second, and the prince were at variance. The duke and duchess conducted themselves, on this occasion, in a manner highly pleasing both to the parent, and the son, and to the consorts, of each. It was signified to them, that their frequent attendance at court was expected; and queen Caroline often invited the duchess to her private parties. The duchess was gifted with great talents: was easy, dignified, and, when she pleased, singularly insinuating. Her grace, lady Clifford, and the lady of Mr. Philip Howard, were daughters and co-heiresses of Mr. Edward Blount, the early patron and correspondent, of Pope. Through Pope, she became acquainted with Mr. Murray, afterwards lord Mansfield—in his early life,—while he yet lived at No. 5, in King's-bench-walks,—where he is so well described by the bard—

- “ To *number Five* direct your doves :
- “ There, spread round *Murray* all your blooming loves ;
- “ Noble and young, who strikes the heart,
- “ With every sprightly, every decent part :
- “ Equal, the injured to defend,
- “ To charm the mistress, or to fix the friend.”

She loved business. Her talents for it, and her high rank, made her the refuge of the catholics, in all their vexations; and she availed herself of her intimacy with lord Mansfield to render them every service in her

power.—Her house was the centre of whatever was great and elegant, in either communion; and, by familiarising them with one another, their prejudices were softened, and their mutual good will increased.

Lord Mansfield had the great merit of being the first public character, who openly advocated the catholic cause; and expressed a decided opinion in favour of a relaxation of the penal code. On every occasion, he discountenanced the prosecutions of catholic priests; and took care, that the accused should have every advantage, that the forms of proceeding, or the letter or spirit of the law could afford. He omitted no opportunity of inculcating the salutary doctrine of toleration; or of impressing on the minds of his hearers, the important fact,—still, perhaps, too little regarded,—that the circumstances, which provoked the enactment of the penal code, had long ceased to exist; and that the time was come, when mutual forbearance, and mutual benevolence, should anticipate its legislative repeal. His speech in favour of the dissenters, in the case of Mr. Allen Evans,—finally heard in the house of lords, on the 4th of February 1767,—is an eternal monument, both of his enlarged, and comprehensive, notions, on the subject of religious toleration; and of his peculiar style of oratory. “What bloodshed and confusion,” says his lordship, “have been occasioned from the reign of Henry the fourth, when the first penal statutes were enacted, down to the Revolution, in this kingdom, by laws made to force conscience! There is nothing certainly more unreasonable, more inconsistent with the rights of human nature, more

“ contrary to the spirit and precepts of the christian
 “ religion, more iniquitous and unjust, more impolitic,
 “ than persecution. It is against nature, revealed
 “ religion, and sound policy.—Sad experience, and a
 “ large mind, taught that great man, the president
 “ de Thou, this doctrine. Let any man read the
 “ admirable things, which, though a papist, he had
 “ dared to advance upon the subject, in his dedi-
 “ cation of his history to Henry the fourth of France,
 “ (which I never could read without rapture), and he
 “ will be fully convinced, not only how cruel, but
 “ how impolitic, it is to persecute for religious
 “ opinions.”

It may be added, that those, who wish to form true notions of the charges, brought against James the second, for his abuse of the dispensing power, should read his lordship's speech, on the embargo in 1766;—a luminous, and complete treatise on that very delicate, and very little understood, branch of constitutional law.

The honour of first calling the attention of the legislature to the situation of the catholics, was reserved to lord Camden. The owner of an estate in the north of England, subject to a jointure rent-charge of a catholic lady, who had treated him with great kindness, disputed her title to it, on the ground, that, being a roman-catholic, she was disabled by the act of the 10th and 11th of king William from taking any estate or interest in land. On advising with her lawyers, the lady found her case remediless, in any court of law or equity. By the advice of a respectable and powerful neighbour, she procured a bill to be

brought into the house of lords, for her relief. Lord Camden, on reading her petition, declared himself, without hesitation, the advocate of her cause. Generally, his lordship's style of public speaking was that of colloquial and pleasing, though dignified, oratory. Occasionally, however, he rose to the true sublime; and it was then the more impressive, as it appeared to come from the heart. On the occasion, which we have mentioned, his lordship was eminently great. When he spoke of the harshness of the case, and the harshness of the laws, which produced it, and the claims of the catholics on the humanity and wisdom of the house for their repeal, he was heard with an unanimous burst of applause; and his speech produced a corresponding sensation on the public.—To this circumstance, Mr. Burke, in his speech, which we have cited, alludes, when he says, “So ineffectual
“ is the power of legal evasion against legal iniquity,
“ that, it was but the other day that a lady of condition, beyond the middle of life, was on the point
“ of being stripped of her whole fortune by a near
“ relation, to whom she had been a friend and benefactor; and she must have been totally ruined,
“ without a power of redress, or mitigation from a
“ court of law, had not the legislature itself rushed
“ in, and by a special act of parliament rescued her
“ from the injustice of its own statutes.”

CHAP. XXXVI.

THE ACT PASSED IN THE EIGHTEENTH YEAR OF
HIS PRESENT MAJESTY FOR THE RELIEF OF THE
ENGLISH CATHOLICS.

IT is now the pleasing duty of the writer of these pages, to mention the acts, passed, during this present reign, for the relief of the English catholics. The first was passed, in the eighteenth year of his majesty. The writer will state in this chapter, I. The petition presented, in that year, by the English catholics: II. The proceedings in parliament upon the act: III. Its legal operation: IV. The oath, which it prescribed: And V. The riots, in 1780.

XXXVI. 1.

The Petition presented by the English Catholics in 1778.

“ To the king’s most excellent majesty.

“ The humble address of the roman-catholic peers
“ and commoners, of Great Britain.

“ Most gracious sovereign :

“ WE, your majesty’s dutiful, and loyal subjects,
“ the roman-catholic peers, and commoners, of your
“ kingdom of Great Britain, most humbly hope, that
“ it cannot be offensive to the clemency of your ma-
“ jesty’s nature ; or to the maxims of your just and
“ wise government, that any part of your subjects

“ should approach your royal presence, to assure your
“ majesty of the respectful affection, which they bear
“ to your person ; and their true attachment to the
“ civil constitution of their country ; which, having
“ been perpetuated, through all changes of religious
“ opinions and establishments, has been, at length,
“ perfected by that Revolution, which has placed
“ your majesty’s illustrious house on the throne of
“ these kingdoms ; and inseparably united your title
“ to the crown, with the laws, and liberties, of your
“ people.

“ Our exclusion from many of the benefits of that
“ constitution, has not diminished our reverence to
“ it. We behold, with satisfaction, the felicity of
“ our fellow subjects ; and we partake of the general
“ prosperity, which results from an institution, so
“ full of wisdom. We have patiently submitted to
“ such restrictions and discouragements, as the legis-
“ lature thought expedient. We have thankfully
“ received such relaxations of the rigour of the laws,
“ as the mildness of an enlightened age, and the be-
“ nignity of your majesty’s government, have gra-
“ dually produced : and we submissively wait, without
“ presuming to suggest, either time, or measure, for
“ such other indulgence, as those happy causes cannot
“ fail, in their own season, to effect.

“ We beg leave to assure your majesty, that our
“ dissent from the legal establishment in matters of
“ religion, is purely conscientious ; that we hold no
“ opinions adverse to your majesty’s government, or
“ repugnant to the duties of good citizens. And we
“ trust, that this has been shown more decisively, by

“ our irreproachable conduct for many years past,
“ under circumstances of public discountenance, and
“ displeasure, than it can be manifested by any
“ declaration whatever.

“ In a time of public danger, when your majesty’s
“ subjects can have but one interest, and ought to
“ have but one wish, and one sentiment, we humbly
“ hope, it will not be deemed improper to assure
“ your majesty of our unreserved affection to your
“ government, of our unalterable attachment to the
“ cause and welfare of this, our common country;
“ and our utter detestation of the designs, and views,
“ of any foreign power against the dignity of your
“ majesty’s crown, the safety, and tranquillity, of
“ your majesty’s subjects.

“ The delicacy of our situation is such, that we
“ do not presume to point out the particular means,
“ by which we may be allowed to testify our zeal to
“ your majesty, and our wishes to serve our country;
“ but we entreat leave, faithfully to assure your ma-
“ jesty, that we shall be perfectly ready, on every
“ occasion, to give such proofs of our fidelity, and
“ the purity of our intentions, as your majesty’s
“ wisdom, and the sense of the nation, shall, at any
“ time, deem expedient.”

This address was signed by the duke of Norfolk, the lords Surrey, and Shrewsbury;—By lord Linton, (for the Scotch); and by lords Stourton, Petre, Arundel, Dormer, Teynham, Clifford; and one hundred and sixty-three commoners.

XXXVI. 2.

The proceedings in Parliament on the act of the 18th of His present Majesty.

“ THE lateness of the season,—(say the writers of the Annual Register of the year 1778), did not
“ prevent sir George Saville from endeavouring to
“ profit of the lenient temper, and liberal spirit of
“ the times, in favour of a long oppressed body of
“ men, almost forgotten, in the patience and silence,
“ with which, for many years, they endured their
“ grievances. However necessary the penal laws
“ against roman-catholics originally, were, whilst the
“ constitution was yet struggling into reformation, and
“ afterwards confirming itself in that happy settle-
“ ment,—as the causes of persecution had long
“ ceased to operate, men of humanity could not avoid
“ lamenting, (as all true policy forbade), the keeping
“ up of such standing memorials of civil rancour and
“ discord; and perpetuating a line of division, by
“ which one part of the people, being cut off from
“ the rights of citizens, could scarcely be said to
“ possess any share in the common interest; and
“ were rendered incapable of forming any part of the
“ common union of defence. Indeed, the laws
“ seemed calculated to compel a considerable body of
“ people to hold an hereditary enmity to govern-
“ ment; and even to wean them from all affection to
“ their country. On the 14th of May, 1778, sir
“ George Saville moved accordingly, for leave to
“ bring in a bill, for the repeal of certain penalties,

“ and disabilities, provided in an act of the 10th and
“ 11th of William the third, intituled, an act to
“ prevent the further growth of popery. He stated,
“ that one of his principal views in proposing this
“ repeal, was, to vindicate the honour, and to assert
“ the principles, of the protestant religion, to which
“ all persecution was, or ought to be, wholly adverse :
“ that this pure religion ought not to have had an
“ existence, if persecution had been lawful ; and it
“ ill became us to practise that, which we reproached
“ in others: that he did not meddle with the vast
“ body of that penal code ; but selected that act, on
“ which he found most of the prosecutions had been
“ formed; and which gave the greatest scope to the
“ base views of interested relations, and of informers
“ for reward. The act had not, indeed, been regu-
“ larly put in execution; but, sometimes, it had ;
“ and he understood, that several lived under great
“ terror ; and some under actual contribution, in
“ consequence of the powers given by it. As an in-
“ ducement to the repeal of those penalties, which
“ were directed, with such a violence of severity,
“ against papists, he stated the peaceable, and loyal,
“ behaviour of that part of the people, under a go-
“ vernment, which, though not rigorous in enforcing,
“ yet suffered such intolerable penalties, and disqua-
“ lifications, to stand against them on the statutes.

“ A late loyal and excellent address, which they
“ had presented to the throne, stood high among the
“ instances, which sir George pointed out, of the
“ safety, and good consequences, which were likely
“ to attend this liberal procedure of parliament.—

“ He observed, that, in the address, they not only
“ expressed their obedience to the government, under
“ which they lived, but their attachment to the con-
“ stitution, upon which the civil rights of this country
“ have been established, by the Revolution, and
“ which placed the present family upon the throne
“ of these kingdoms. As a further guard, and se-
“ curity, however, against any possible consequence
“ of the measure, he proposed, that a sufficient test
“ might be formed, by which they should bind them-
“ selves to the support of the civil government, by
“ law established.

“ The motion was seconded by Mr. Dunning,
“ who, with his well known ability, and knowledge
“ in such subjects, went into a legal discussion of the
“ principal objects, and past operation, of the bill,
“ which was intended to be repealed. The following
“ he stated, as the great, and grievous, penalties ;—
“ the punishment of popish priests, or jesuits, who
“ should be found to teach, or officiate, in the ser-
“ vices of that church ; which acts were felony, in
“ foreigners ; and high treason, in the natives of this
“ kingdom :—The forfeitures of popish heirs, who
“ had received their education abroad ; and whose
“ estates went to the next protestant heir :—The
“ power, given to the son, or other nearest relation,
“ being a protestant, to take possession of the father’s
“ or other relation’s, estate, during the life of the
“ real proprietor :—And the depriving of papists
“ of the power of acquiring any legal property, by
“ purchase ;—a word, which, in its legal meaning,
“ carried a much greater latitude, than was under-

“ stood, (and that, perhaps, happily), in its ordinary
“ acceptation ; for, it applied, to all legal property,
“ acquired by any other means, than that of descent.

“ These, he said, were the objects of the pro-
“ posed repeal. Some of the laws, he remarked, had
“ now ceased to be necessary ; and others were, at
“ all times, a disgrace to humanity. The imprison-
“ ment of a popish priest, for life, for officiating in
“ the service of his religion, was horrible in its nature ;
“ and must, to an Englishman, be worse than death.
“ Such a law, in times of so great liberality as the
“ present ; and when so little was to be apprehended
“ from these people, called loudly for repeal ; and he
“ begged to remind the house, that even then, they
“ would not be left at liberty to exercise their func-
“ tions ; but would still, under the restriction of
“ former laws, be liable to a year’s imprisonment, and
“ to the punishment of a heavy fine. And although,
“ he observed, the mildness of government had
“ hitherto softened the rigour of the law in the prac-
“ tice, it was to be remembered, that the roman-
“ catholic priests constantly lay at the mercy of the
“ basest, and most abandoned, of mankind, common
“ informers ; for, on the evidence of any of these
“ wretches, the magisterial, and judicial, powers,
“ were, of necessity, bound to enforce all the shameful
“ penalties of the act. Others of these penalties held
“ out the most powerful temptations for the commis-
“ sion of acts of depravity, at the very thought of
“ which, our nature recoils with horror. They seem
“ calculated to loosen all the bands of society ; to
“ dissolve all civil, moral, and religious, obligations

“ and duties ; to poison the sources of domestic
 “ felicity ; and to annihilate every principle of honour.
 “ The encouragement given to children to lay their
 “ hands upon the estates of their parents ; and the
 “ restriction, which debars any man from the honest
 “ acquisition of property, need, said he, only to be
 “ mentioned, to excite the utmost indignation of this
 “ house.

“ The motion was received, with universal ap-
 “ probation ; and a bill was accordingly brought in.
 “ It passed both houses, without a single negative.”

XXXVI. 3.

*The legal operation of the Act of the 18th of his present
 Majesty.*

THE legal operation of the act of the 18th year of his present majesty was very limited. It repealed the clause of the 10th and 12th of William the third, which disabled the English catholics from taking lands by descent ; and some clauses in the same act, which related to the apprehending of bishops, and priests ; and which subjected them, and catholics, who kept schools, to perpetual imprisonment. The other clauses of the act of king William, and every pain, penalty, and disability, inflicted by other acts, remained in all their force against them. But, though the *legal* benefits, which the catholics derived from the act, were limited, the advantages, which they derived from it, in other respects, were both substantial, and extensive. It shook the general prejudice against them to

its centre : it disposed their neighbours to think of them with kindness ; it led the public to view their pretensions to further relief, with a favorable eye ; and it restored to them a thousand indescribable charities, in the ordinary intercourse of social life, which they had seldom experienced. No catholic, who recollects the passing of the bill, will ever forget the general anxiety of the body, while it was in its progress through the parliament ; or the smile, and friendly greeting, with which his protestant neighbour met him, the day after it had passed into a law.

XXXVI. 4.

The Oath prescribed by the Act.

THE boon, however, was burthened with an oath. —Every such oath, so far as it requires from catholics, a solemn profession of moral or civil principle, not required from any other subject, is felt by them as an humiliation. Still, as the oath, of which we are now speaking, contained nothing offensive to their religious principles, and their friends advised them to submit to it, as a necessary sacrifice to popular prejudice, they acquiesced in it,—and the oath was taken universally.

As soon as the terms of it were arranged, to the satisfaction of his majesty's ministers, it was communicated to the four vicars-apostolic, and admitted by them all. Lord Petre, and some other gentlemen, waited upon the late bishop Challoner, and put it into his hands. He perused it, with great deliberation ; and explicitly sanctioned it. He observed, however,

that it contained some expressions, contrary to the Roman style ; that these might create difficulties, at Rome, if Rome were consulted upon it, before hand : but that Rome would not object to the oath, after the bill was passed. He therefore, recommended to the gentlemen, who waited upon him, to avoid all unnecessary delay in procuring the act. This fact is known to every person who has lived in habits of intimacy with lord Petre, or with any gentleman who accompanied his lordship to the venerable prelate. For the truth of it, the writer has leave to cite sir John Throckmorton, who repeatedly heard it from lord Petre, and Mr. Joseph Berington, who repeatedly heard it from Mr. Stapleton. The writer himself has repeatedly heard lord Petre mention it.

The oath is expressed in the following words :

“ I *A. B.* do sincerely promise, and swear, that I
“ will be faithful, and bear true allegiance, to his
“ majesty king George the third ; and him will defend,
“ to the utmost of my power, against all conspiracies,
“ and attempts whatsoever, that shall be made against
“ his person, crown, or dignity ; and I will do my
“ utmost endeavour to disclose, and make known, to
“ his majesty, his heirs, and successors, all treasons,
“ and traitorous conspiracies, which may be formed
“ against him or them ; and I do faithfully promise
“ to maintain, support, and defend, to the utmost of
“ my power, the succession of the crown in his ma-
“ jesty’s family, against any person, or persons, what-
“ soever ; hereby utterly renouncing, and abjuring,
“ any obedience, or allegiance, unto the person taking
“ upon himself the style, and title, of *Prince of Wales*,

“ in the lifetime of his father ; and who, since his
“ death, is said to have assumed the style, and title,
“ of king of Great Britain, by the name of *Charles*
“ *the third* ; and to any other person, claiming, or
“ pretending, a right to the crown of these realms ;
“ and I do swear, that I do reject, and detest, as an
“ unchristian, and impious position, that it is lawful
“ to murder, or destroy, any person, or persons, what-
“ soever, for or under pretence, of their being here-
“ tics ; and also that unchristian, and impious, prin-
“ ciple, that no faith is to be kept with heretics :
“ I further declare, that it is no article of my
“ faith, and that I do renounce, reject, and abjure,
“ the opinion, that princes excommunicated by the
“ pope, and council, or by any authority of the see of
“ Rome, or by any authority whatsoever, may be
“ deposed, or murdered, by their subjects, or any
“ person whatsoever ; and I do declare, that I do not
“ believe, that the pope of Rome, or any other foreign
“ prince, prelate, state, or potentate, hath, or ought
“ to have, any temporal, or civil jurisdiction, power,
“ superiority, or pre-eminence, directly, or indirectly,
“ within this realm. And I do solemnly, in the pre-
“ sence of God, profess, testify, and declare, that I do
“ make this declaration, and every part thereof, in the
“ plain, and ordinary, sense of the words of this oath ;
“ without any evasion, equivocation, or mental reser-
“ vation, whatever ; and without any dispensation,
“ already granted by the pope, or any authority of the
“ see of Rome ; or any person whatever ; and without
“ thinking, that I am, or can be, acquitted before God,
“ or man, or absolved of this declaration, or any part

“ thereof ; although the pope, or any other persons,
 “ or authority whatsoever, shall dispense with, or
 “ annul the same; or declare that it was null, or
 “ void.”

A more complete and unreserved disclaimer of the deposing doctrine, than is contained in this oath, language cannot express. Worthy of immortal memory are the prelates, who took it, and exhorted their flocks to take it. To these venerable men, we owe the free exercise of our religion, and the security of our property, which we now enjoy : should we succeed in our hopes of further relief, to them, primarily, we shall owe our success. For want of their better spirit, how often did our ancestors experience, that ultra-catholicism is one of the worst enemies of catholicity* ?

* The reader will be pleased to read the following letter, written on the subject of this oath, by the late bishop Challoner, to the late bishop Hornyold, and which has been copied from the original. “ Honoured Dear Sir,—In compliance with yours to
 “ Mr. Browne, I here send you my thoughts with regard to the
 “ oath proposed by the late act of parliament, which I have
 “ examined and seriously considered on, *coram Deo*, imploring
 “ also his light and assistance ; and I am fully convinced, that
 “ it contains nothing, but what may be taken with a safe con-
 “ science, both by priests and people. The same are the senti-
 “ ments of my Mr.———” (bishop James) “ Talbot, and
 “ our brother,” (bishop) “ Walton, and of the generality of
 “ our clergy, both secular and regular ; a great many of whom
 “ have taken the oath in our courts of Westminster. I remain,
 “ honoured dear Sir, ever yours in our Lord,

“ Richard Challoner.”

CHAP. XXXVII.

THE RIOTS IN 1780*.

THE following account of this singular event we transcribe, from the Annual Register of that year. “ While these matters,” say the writers of that valuable historical work, “ were agitated, with so much warmth, “ in and out of parliament ; and with so many extraordinary turns of fortune, an affair, totally separate, “ was, at the same time, carried on, for a long time, “ with little notice ; but which, in due season, broke “ out, with so much fury and violence, as entirely to “ bear down all designs, either for reforming, or for “ strengthening government ; and, at once, overwhelmed, and bore away before it, both majority, “ and minority, with an irresistible torrent of popular “ fanaticism, and phrenzy.

“ Every body knows the circumstances, as well as “ the event, of this shameful, and unhappy affair ; and “ that lord George Gordon, who had been early placed “ at the head of the Scotch association for the support “ of the protestant religion, was likewise appointed “ president to an association in London, formed in “ imitation, or emulation, of the former. The public “ summons in the newspapers, by which he assembled “ fifty, or sixty, thousand men, in St. George’s-fields,

* Mention of the riots in Scotland will be made in the second supplementary chapter to this work.

“ under an idea of defending the religion of the country
“ against imaginary danger, by accompanying the pre-
“ sentment, and enforcing the matter, of a petition to
“ parliament, demanding the repeal of the late law,
“ which afforded some relaxation of the penal statutes
“ against popery,—are likewise fresh in every body’s
“ memory.

“ The extraordinary conduct of that noble person,
“ in the house of commons, during the present session,
“ and the frequent interruptions, which he gave to the
“ business of parliament, as well by the unaccountable
“ manner, in which he continually brought in, and
“ treated, matters relative to religion, and the danger
“ of popery ; as the caprice, with which he divided
“ the house, upon questions, wherein he stood, nearly,
“ or entirely, alone, were passed over, along with other
“ singularities in his dress and manner, rather as sub-
“ jects of pleasantry, than of serious notice or repre-
“ hension. Even when he involved matters of state,
“ with those of religion, in a strange kind of language,
“ boasting, that he was at the head of one hundred
“ and twenty thousand able men in Scotland, who
“ would quickly remedy their own grievances, if they
“ were not otherwise redressed ; and little less than
“ holding out destruction to the crown and govern-
“ ment, unless full security was given to the associa-
“ tions in both countries, against those imminent
“ dangers, with which they were immediately threat-
“ ened by popery. Such things, and others, if possible,
“ still more extraordinary, were only treated, merely
“ as objects of laughter. It is however, possible, that

“ this carelessness, or complacence, of the house, was,
“ at length, carried too far.

“ Besides the advertisements, and resolutions, the
“ inflammatory harangue of the president, at the pre-
“ ceding meeting of the protestant association, was
“ published in the newspapers ; and was full of matter,
“ which might well have excited the most instant at-
“ tention, and alarm. In that piece, the president
“ informs his enthusiastic adherents, among other
“ extraordinary matter, that, for his part, he would
“ run all hazards, with the people ; and, if the people
“ were too lukewarm to run all hazards with him,
“ when their conscience, and their country, called
“ them forth, they might get another president ; for,
“ he would tell them candidly, that he was not a luke-
“ warm man himself, and, if they meant to spend
“ their time in mock debate, and idle opposition,
“ they might get another leader. He afterwards
“ declared, that, if he was attended by less than
“ twenty thousand, on the appointed day, he would
“ not present their petition ; and he gave orders,
“ under the appearance of a motion, for the manner,
“ in which they should be marshalled, in St. George’s-
“ fields ; appointing, that they should be formed
“ in four bodies ; three of them regulated by the
“ respective boundaries of the great divisions of
“ the metropolis ; and the fourth composed entirely
“ of his own particular countrymen. To prevent
“ mistakes, the whole were to be distinguished by
“ blue cockades.—If this were not sufficient to arouse
“ the attention of government, lord George Gordon

“ gave notice to the house of commons, on the Tuesday, that the petition would be presented, on the following Friday ; and that the whole body of protestant associators, were to assemble in St. George’s-fields, in order to accompany their petition to the house.

“ These notices ought to have given a more serious alarm, than they seem to have done, to government. The opposition afterwards charged them, with little less, than a meditated encouragement to this fanatic tumult, in order to discountenance the associations, which had more serious objects in view, and to render odious, and contemptible, all popular interposition in affairs of state. They reminded them of their activity in giving orders to hold the military in readiness, on a peaceable meeting in Westminster-hall ; and their utter neglect of the declared, and denounced, violence of this sort of people.

“ The alarming cry against popery, with the continual invective and abuse, which they disseminated through newspapers, pamphlets, and sermons, by degrees drew over to a meeting, originally small and obscure, a number of well meaning people from the various classes of protestants, who seriously apprehended their religion to be in danger. These, however deficient they were in point of consideration, being, for the far greater part, poor and ignorant people, many of whom could not write their names, they became formidable, with respect to numbers. It is, however, to be, at all times, remembered, that the conduct of these associators was not more execrated, than the intolerant

“ principle, to which they owed their union, and
“ action, was condemned by the sound and eminent
“ divines, both of the established church, and of the
“ dissenters.

“ On the second of June, the grand division of
“ associators being drawn off, by different routes,
“ from the rendezvous in St. George’s-fields, filled
“ the ways, through which they marched in ranks,
“ with a multitude, which excited wonder, and alarm.
“ Having arrived at the place of their destination,
“ and filled up all the streets and avenues to both
“ houses, they began the exercise of the new autho-
“ rity, derived from their numbers, only by compel-
“ ling the members, as they came down, to cry out,
“ *No Popery* ;” to wear blue cockades ; and some,
“ as it is said, to take an oath to contribute all in
“ their power to the repeal of the new law, or as they
“ called it, the popery act. But, upon the appearance
“ of the archbishop of York, and other of the pre-
“ lates, and court lords, their rage and violence were
“ increased to the highest pitch. During this dread-
“ ful tumult, which continued, with more or less in-
“ terruption, for some hours, the archbishop, the
“ duke of Northumberland, the lord president of the
“ council, with several others of the nobility, includ-
“ ing most, or all, of the lords in office, were treated
“ with the greatest indignities. The bishop of
“ Lincoln, in particular, most narrowly escaped with
“ his life ; first, by being suddenly carried into a
“ house, upon the demolition of his carriage ; and
“ then, being as expeditiously led through, and over
“ its top, into another. Lord Stormont’s life was

also, in the most imminent danger; and he was only rescued, after being half an hour in their hands, by the presence of mind, and address, of a gentleman, who happened to be in the crowd.

It would be impossible to describe the astonishment, sense of degradation, horror, and dismay, which prevailed in both houses. Attempts were twice made to force their doors; and were repelled by the firmness, and resolution, of their door keepers, and other officers. In this scene of terror and danger, the resolution and spirit, with which a young clergyman,—who acted as assistant, or substitute, to the chaplain of the house of commons, rebuked the outrage of the mob, and told their leader, in their presence, that he was answerable for all the blood, that would be shed; and all the other fatal consequences, that might ensue,—merited some other reward, besides mere applause.

In the mean time, the author, mover, and leader, of the sedition, having obtained leave, in the house of commons, to bring up the petition, afterwards moved for its being taken into immediate consideration. This brought on some debate; and the rioters being in possession of the lobby, the house were kept confined, for several hours, before they could divide upon the question. The impediment being at length removed, by the arrival of the magistrates, and guards, the question was rejected, upon a division, by a majority of one hundred and ninety-two, to six only, by whom it was supported. During this time, lord George Gordon frequently went out to the top of the gallery-stairs

“ from whence he harangued the rioters, telling
“ them what passed in the house ; that their petition
“ would be postponed ; that he did not like delays ;
“ and repeating aloud the names of gentlemen,
“ who had opposed the taking it into consideration
“ under their present circumstances : thus, in fact,
“ holding them out, as obnoxious persons, and ene-
“ mies, to a lawless and desperate banditti.

“ The house of commons have been much cen-
“ sured, for the want of resolution and spirit, in
“ not immediately committing, upon the arrival of
“ the guards at night, their own member to the
“ Tower, who had, by so shameful a violation of their
“ privileges, involved them in a scene of such un-
“ equalled danger and disgrace. It has even been
“ said, that a measure of such vigour, might have
“ prevented all the horrid scenes of conflagration,
“ plunder, military slaughter, and civil execution,
“ that afterwards took place : and it has been argued,
“ from the passive conduct of the mob, some years
“ ago, upon the committal of the lord mayor, Crosby,
“ and of alderman Oliver, to the Tower, that it would
“ not have been attended with any ill consequence.

“ It is, however, to be remembered, that danger
“ is considered, in a very different manner, by those,
“ who are entirely out of its reach, and even by the
“ same persons, under its immediate impression. The
“ circumstances, were likewise widely, and essentially,
“ different. Religious mobs are, at all times, infi-
“ nitely more dangerous, and cruel, than those, which
“ arise on civil, or political, occasions. What country
“ has not groaned, under the outrages, and horrors,

“ of fanaticism? Or where have they ever been
“ quelled, but in blood? This mob was much more
“ powerful and numerous, as well as dangerous, than
“ any other in remembrance. The force of the asso-
“ ciators was, on that day, whole and entire, which
“ it never was after. The intense heat of the weather,
“ which necessarily increased their inebriation, added
“ fire to their religious fury; and rendering them
“ equally fearless and cruel, no bounds could have
“ been prescribed to their enormities.

“ The situation of the lords was still worse than
“ that of the commons. Besides that the malice of
“ the rioters was pointed more that way, they were
“ not under the restraint of any application to them
“ for redress. The appearance of the lords, who had
“ passed through their hands, every thing about
“ them in disorder, and their clothes covered with
“ dirt, threw a grotesque air of ridicule upon the
“ whole, which seemed to heighten the calamity. A
“ proposal was made to carry out the mace; but it
“ was apprehended, that peradventure it might never
“ return. In a word, so disgraceful a day was never
“ beheld before, by a British parliament.

“ In the midst of the confusion, some angry de-
“ bate arose, the lords in opposition charging the
“ ministers, with being themselves the original cause
“ of all the mischiefs, that had already, or might
“ happen, by their scandalous, and cowardly conces-
“ sions to the rioters in Scotland; and, at the same
“ time, calling them loudly to account, for not having
“ provided for the present evil, of which they had so
“ much previous notice, by having the civil power in

“ readiness for its prevention. To this, it was
“ answered by a noble earl in high office, that orders
“ had been given, on the preceding day, for the at-
“ tendance of the magistrates ; but two of those
“ gentlemen, who happened to be in the way, being
“ sent for, and examined, declared, they had neither
“ heard of, nor received, any such orders.

“ Before the rising of the house of commons, se-
“ veral parties of the rioters had filed off, and proceeded
“ to the demolition of the chapels, belonging to the
“ Sardinian and Bavarian ministers. The commons
“ adjourned to the sixth ; but the lords met, on the
“ following day ; and agreed to a ‘ motion for an ad-
“ dress,’ made by the lord president, ‘ requesting his
“ majesty to give immediate orders for prosecuting,
“ in the most effectual manner, the authors, abettors
“ and instruments, of the outrages committed the
“ preceding day, both in the vicinity of the houses of
“ parliament, and upon the houses, and chapels, of
“ several of the foreign ministers.’ On the sixth,
“ above two hundred members of the house of com-
“ mons had the courage, notwithstanding the dreadful
“ conflagrations, and mischiefs, of the two preceding
“ nights, the destruction threatened to several of
“ themselves, in their persons and houses, and which
“ had already fallen upon the house of sir George
“ Saville in Leicester-fields, to make their way through
“ the vast crowds, which filled the streets ; and which
“ were interlaced, and surrounded, by large detach-
“ ments of the military on foot, and on horseback.
“ They found Westminster-hall, and the avenues to
“ the house, lined with soldiers ; upon which, a

“ celebrated member observed in his speech, bewailing
“ the deplorable situation, to which parliament was
“ reduced, that they had a bludgeoned mob, waiting
“ for them, in the street ; and a military force, with
“ fixed bayonets, at their doors, in order to support,
“ and preserve, the freedom of debate.

“ They, however, passed some resolutions ; one,
“ being an assertion of their own privileges ; the
“ second, for a Committee to inquire into the late,
“ and present, outrages ; and for the discovery of
“ their authors, promoters, and abettors ; the third,
“ for a prosecution by the attorney-general ; and the
“ fourth, an address to his majesty for the reimburse-
“ ment of the foreign ministers, to the amount of
“ the damages, they had sustained by the rioters.
“ Another resolution was moved by the minister, for
“ proceeding immediately, when the present tumults
“ were subsided, to take into due consideration the
“ petitions from many of his majesty’s protestant
“ subjects. Intelligence being received of the con-
“ flagrations, which were commenced in the city, it
“ threw every thing into new confusion ; and a hasty
“ adjournment took place.

“ Some of the lords likewise met ; but the impro-
“ priety of their proceeding upon any public business,
“ in the present tumult, and surrounded by a military
“ force, being taken into consideration, and an ac-
“ count arriving, at the same time, that the first lord
“ of the Admiralty, in his way to the house, had been
“ set upon, wounded, and his life only critically saved,
“ by the military, they adjourned to the nineteenth.

“ Never did the metropolis, in any known age,

“ exhibit such a dreadful spectacle of calamity, and
“ horror ; or experience such real danger, terror,
“ and distress, as on the following day, and night.
“ Is is said, that, it was beheld blazing, in thirty-six
“ different parts, from one spot. Some of these con-
“ flagrations were of such a magnitude, as to be truly
“ tremendous. Of these, the jail of Newgate, the
“ king’s bench prison, the new bridewell in St.
“ George’s-fields, the Fleet-prison, and the houses
“ and great distilleries of Mr. Langdale in Holborn,
“ where the vast quantity of spirituous liquors in-
“ creased the violence of the flames to a degree, of
“ which no adequate conception can be formed, pre-
“ sented spectacles of the most dreadful nature. The
“ houses of most of the roman-catholics were marked ;
“ and many destroyed, or burned ; as well as those
“ of the few magistrates, who showed any activity in
“ repressing those tumults. The outrages grew more
“ violent, and general, after the breaking open of the
“ prisons.

“ The attacks, made, that day, upon the Bank,
“ roused the whole activity of the government.
“ Great bodies of forces had, for some time, been
“ collecting from all parts. They were, at length
“ employed ; and brought on the catastrophe of that
“ melancholy night, which followed. Strong detach-
“ ments of troops being sent into the city, and the
“ attempts on the Bank, and other places, renewed, a
“ carnage then inevitably ensued, in which a great
“ number of lives were lost. Nothing could be
“ more dismal, than that night. Those, who were
“ on the spot, or in the vicinity, say, that the present

“ darkness, the gleam of the distant fires, the dreadful shouts in different quarters, the groans of the dying, and the heavy, regular, platoon firing of the soldiers, formed, all together, a scene so terrific, and tremendous, as no description, or even imagination, could possibly reach.

“ The metropolis presented, on the following day, in many places the image of a city, recently stormed, and sacked ; all business at an end ; houses and shops shut up ; the Royal Exchange, public buildings, and streets, possessed, and occupied, by the troops ; smoking and burning ruins ; with a dreadful void, and silence, in scenes of the greatest hurry, noise, and business.

“ The house of commons met, on the following day ; but, although the rioters were entirely quelled, it was immediately noticed, that the city of Westminster was under martial law ; and they accordingly adjourned to the nineteenth. On the afternoon of the same day, lord George Gordon was taken into custody, at his house in Welbeck-street, and conveyed to the Horse Guards ; and, after a long examination before several lords of the privy council, he was, between nine and ten in the evening, conducted, (under the strongest guard, that ever was known to attend any state prisoner), to the Tower, where he was committed to close confinement.”

It is needless to pursue the consequences of this afflicting event :—It should, however, be mentioned, that, lord George Gordon was tried for his life, and acquitted ; that several others were tried, and con-

demned; but that the most guilty only were executed. Under the provisions of the act of George the first, several roman-catholics recovered the amount of their losses from the county.

Those, who wish to see all, that philosophy, and eloquence can say, on this singular and melancholy, event,—or on the general subject of the penal laws against the roman-catholics; or on the repeal of those laws, will find it in the “*Speech of Mr. Burke, at the Guildhall in Bristol, to the electors of that city, upon certain points relative to his parliamentary conduct,—published by him, in 1782.*” A more able or more sincere advocate, the roman-catholics never had. No orator could ever pronounce on himself a more eloquent or a more dignified, and, at the same time a more merited panegyric, than that, with which Mr. Burke closes this address; perhaps, the most beautiful specimen, that is extant, of modern eloquence.

“ And now, gentlemen, on this serious day,
“ when I come, as it were, to make up my account
“ with you, let me take to myself some degree of
“ honest pride, on the nature of the charges, that
“ are against me. I do not here stand before you,
“ accused of venality, or of neglect of duty. It is
“ not said, that, in the long period of my service, I
“ have, in a single instance sacrificed the slightest
“ of your interests to my ambition, or to my fortune.
“ It is not alleged, that, to gratify any anger, or re-
“ venge, of my own, or of my party, I have had a
“ share in wronging, or oppressing any description of
“ men; or any one man, in any description. No!
“ the charges against me are all of one kind, that I

“ pushed the principles of general justice, and bene-
“ volence, too far;—farther, than a cautious policy
“ would warrant ; and farther, than the opinions of
“ many would go along with me.—In every accident,
“ which may happen through life ; in pain, in sorrow,
“ in depression, and distress,—I will call to mind
“ this accusation ; and be comforted.”

CHAP. XXXVIII.

THE ACT PASSED IN 1791 FOR THE RELIEF OF THE
ENGLISH CATHOLICS.

WE have now to present the reader with a summary account of the principal circumstances, which attended the act, passed in 1791, for the relief of the English catholics : I. The formation of the English catholic committee, who were particularly active in soliciting that bill : II. The memorial presented by the English catholics, to Mr. Pitt : III. The opinions of the foreign universities on the questions presented to them by his direction : IV. The bill prepared by the direction of the committee for the relief of the English catholics : V. The protestation signed by the English catholics : VI. The intended deputation of doctor Hussey, afterwards bishop of Waterford, to Rome : VII. The act passed in 1791, for the relief of the English catholics : VIII. And the deposit of the protestation at the Museum,—will be succinctly mentioned in the present chapter.

XXXVIII. 1.

The formation of the Committee.

AT a general meeting of the English catholics on the 3d of May 1787, the following resolutions passed unanimously.

“ That some kind of appointment of persons
“ take place, commissioned to watch over, and pro-
“ mote the public interest of the English roman-
“ catholics :

“ That the committee now to be elected, be
“ under the same rules and regulations, as the late
“ committee :

“ That the committee shall be for five years,
“ dissolvable at every annual meeting :

“ That the committee do consist of ten :

“ That the meeting, this day assembled, do elect
“ five, to form part of the said committee :

“ That letters be sent, as generally as possible,
“ to the gentlemen of the four districts, and of
“ Lancashire and Cheshire, to recommend the elect-
“ ing of one gentleman from each* ; and that ten so
“ chosen, shall form the committee :

“ And, that there be a general annual meeting,
“ as heretofore, on the first Thursday in May : ”

The meeting then proceeded to ballot : And, on the ballot, the numbers were in favour of, lord Petre, lord Stourton, Mr. Throckmorton, now sir

* —i. e. One from each district ; and one from both the counties mentioned in the resolution.

John Throckmorton, sir Henry Charles Englefield, and Mr. Fermor.

Mr. Charles Butler was appointed secretary to the committee.

At a meeting, on the fourteenth of January 1788, of the members thus chosen, the secretary reported, that, in consequence of the resolution entered into at the last general meeting, he had written to the gentlemen of each district, to recommend the electing of one gentleman from each, to be of the committee, and that, by their letters, it appeared that the majority was in favour of,

Lord Clifford,—for the western district ;

Sir John Lawson,—for the northern district ;

Sir William Jerningham,—for the midland district ;

Thomas Hornyold,—for the London district ; and John Towneley, esq.—for the Lancashire and Cheshire districts.

By a resolution of the English catholics on the 15th of May 1788, the three following gentlemen were added to the committee :

Doctor James Talbot,—the vicar-apostolic of the London district ; doctor Charles Berington, the coadjutor of the vicar-apostolic of the midland district ;—and the rev. Mr. Joseph Wilks,—a monk of the order of St. Benedict.

XXXVIII. 2.

The Memorial presented by the English catholics to Mr. Pitt.

At a general meeting of the English catholics on the 10th of February 1788, the following Memorial,

was unanimously approved, and, by their direction, presented to Mr. Pitt.

“ To the right honourable William Pitt, first lord
“ of the treasury, and chancellor of his majesty’s court
“ of exchequer ;

“ The memorial of his majesty’s English subjects,
“ professing the catholic religion,
“ Sheweth,

“ That, by the laws now in force against persons
“ professing the catholic religion, your memorialists
“ are deprived of many of the rights of English sub-
“ jects, and the common rights of mankind :

“ They are prohibited, under the most severe
“ penalties, from exercising any act of religion, ac-
“ cording to their own mode of worship :

“ They are subject to heavy punishments for keep-
“ ing schools, for educating their children in their own
“ religious principles, at home ; and they are also
“ subject to heavy punishments for sending their
“ children for education abroad :

“ They are made incapable of serving in his
“ majesty’s armies and navies :

“ They are restrained from practising the law, as
“ barristers, advocates, solicitors, attorneys or proctors :

“ They are obliged, on every occasion, to expose
“ the most secret transactions of their families, by rea-
“ son of the expensive and perplexing obligation of
“ enrolling their deeds :

“ They are subject, by annual acts of the legisla-
“ ture, to the ignominious fine of the double land-tax :

“ They are deprived of that constitutional right
“ of English freeholders, voting for county members :

“ They are not allowed to vote at the election of any
“ other members :—They are therefore absolutely
“ unrepresented in parliament :

“ They are excluded from all places civil and
“ military :

“ They are disqualified from being chosen to a
“ seat in the house of commons :

“ Their peers are deprived of their hereditary seat
“ in parliament; and their clergy, for exercising their
“ functions, are exposed to the heaviest penalties and
“ punishments, and, in some cases, to death :

“ That the laws, which subject them to these dis-
“ abilities, penalties and punishments, were passed
“ against them, in times of intolerance, for crimes of
“ which they were not guilty, and for principles, which
“ they do not profess :

“ That, if any motives of policy ever existed, which,
“ in any point of view, or by the opinions of any set of
“ men, could justify the general necessity or expedi-
“ ency of those laws, they have long since entirely
“ ceased :—To continue them, must therefore be un-
“ just, as it withholds from so many subjects, the first
“ rights and comforts of society ; unwise, as it pro-
“ duces disunion among the people ; and impolitic, as
“ it deprives the state of the labours and services of
“ so many of its loyal subjects :

“ That, by the gracious and salutary act passed in
“ the twentieth year of his present majesty, that one
“ particular law, which most prevented their safely
“ and quietly enjoying their landed property, was
“ formally repealed, and an oath prescribed to them,
“ by which, in the most solemn, most explicit, and

“ most unequivocal terms, they disclaim the belief that
 “ ‘ there exists in any foreign prince, prelate, state, or
 “ potentate, either directly or indirectly, any civil
 “ jurisdiction, power, superiority or pre-eminence
 “ whatsoever, within this realm,’—and, by which, in
 “ terms equally solemn, equally explicit, and equally
 “ unequivocal, they avow ‘ their absolute and unre-
 “ served allegiance and fidelity to his majesty’s person
 “ and government, the succession of the crown in his
 “ family, and the British constitution :

“ That the English catholics have universally taken
 “ this oath :

“ That their general conduct has been blameless
 “ and inoffensive :

“ That they hold no principle, which can be con-
 “ strued to extend to the subversion, disturbance or
 “ disquiet of the civil or ecclesiastical government of
 “ this country :

“ That they live in the completest harmony with
 “ their fellow-subjects :—only separated from them
 “ by a difference of opinion in matters of religion,
 “ and only prevented from falling into the general mass
 “ of the community, by the distinctions produced and
 “ kept alive, by the laws still remaining in force against
 “ them :

“ That the British government and the nation at
 “ large have long been sensible of this ; and therefore,
 “ (with an humanity, for which the English catholics
 “ are truly grateful), have not permitted the laws
 “ against them to be executed in their utmost extent :

“ Hence, for a considerable time, none of the laws,
 “ which affect their lives, have been carried into

“ execution, and there have not been many instances,
“ where those laws, which affect their fortunes or their
“ liberties, have been enforced. Prosecutions against
“ them have received no aid from the legislature,
“ no countenance from the courts of justice, no
“ encouragement from the magistracy, and no favour
“ from the people. Informers against them have
“ been universally despised; the most virtuous and
“ enlightened men of the age have been their advo-
“ cates; the nation is their friend;—the letter of
“ the law, their only enemy. To this, it is owing,
“ that they languish under disabilities, which cramp
“ their industry, prevent their providing for their
“ families, drive them from their own country for
“ education, obtrude them on foreigners for subsist-
“ ence, and make them, as it were, aliens, amongst
“ their fellow-subjects :

“ That the doctrine of general toleration univer-
“ sally prevails :

“ And that no plea can be urged for tolerating,
“ in foreign countries, the dissenters from the mode
“ of worship established there, which may not, with
“ as great propriety, be urged, for tolerating in
“ England those of the catholic persuasion.

“ Upon these grounds, your memorialists hope
“ for your concurrence and support in their
“ intended application, for redress of their
“ grievances.”

XXXVIII. 3.

The opinions of the foreign Universities.

AT a meeting of the catholic committee on the 9th of May 1788,

Lord Petre, sir Henry Charles Englefield, and Mr. Fermor, informed the committee, that they had, that morning, had a conference with Mr. Pitt, and read the following minute of what was said by him :

“ That government will make no objection to the
“ business relating to the relief of the English roman-
“ catholics, being brought before parliament early
“ next sessions :

“ But, he observed, if moved this session, it will
“ be impossible to carry the measure to a conclusion;
“ and, of course, it must lie over to next year :

“ This, Mr. Pitt is of opinion, will not be a fa-
“ vourable circumstance to the catholic cause, as it
“ will prevent government from preparing the minds
“ of some of the leading interests in this country,
“ previous to the bringing on of a measure of such
“ importance :

“ He also desired the catholics to furnish him with
“ authentic evidence of the opinion of the catholic
“ clergy and catholic universities, with respect to
“ the existence or extent of the pope’s dispensing
“ power :

“ That, though the relief prayed for appeared
“ simple and clear, yet many parts of it involved great
“ and weighty considerations for government to
“ determine upon :

“ He observed, that whatever was conceded to the
“ roman-catholics, the protestant dissenters must also
“ enjoy:

“ He concluded by saying that, though govern-
“ ment strongly wished that the subject might not
“ be moved this session, yet it was left to the catho-
“ lics to consider, whether they should run the risk
“ of the consequences attending its lying over to next
“ year:

“ Mr. Pitt repeated several times, he hoped the
“ roman-catholics would be assured, the present ad-
“ journment of their business to next session did not
“ arise merely from motives of delay; but that go-
“ vernment seriously intended to consider their
“ situation, and wished to grant them that relief,
“ which, in prudence, they could adopt.”

In pursuance of Mr. Pitt's suggestions, three ques-
tions were sent to the universities of the Sorbonne,
Louvaine, Douay, Alcalá, and Salamanca. They
were expressed in the following terms; and received
the following answers:

“ 1. Has the pope or cardinals, or any body of
“ men, or any individual of the church of Rome, any
“ civil authority, power, jurisdiction, or pre-eminence
“ whatsoever, within the realm of England?

“ 2. Can the pope or cardinals, or any body of
“ men, or any individual of the church of Rome, ab-
“ solve or dispense with his majesty's subjects from
“ their oath of allegiance, upon any pretext what-
“ soever?

“ 3. Is there any principle, in the tenets of the
“ catholic faith, by which catholics are justified in

“ not keeping faith with heretics, or other persons
 “ differing from them in religious opinions, in any
 “ transaction either of a public or a private nature?”

The universities answered unanimously :—

“ 1. That the pope, or cardinals, or any body of
 “ men, or any individual of the church of Rome, *has*
 “ *not nor have* any civil authority, power, juris-
 “ diction, or pre-eminence whatsoever, within the
 “ realm of England.

“ 2. That the pope, or cardinals, or any body of
 “ men, or any individual of the church of Rome, *can-*
 “ *not* absolve or dispense with his majesty’s subjects
 “ from their oath of allegiance, upon any pretext
 “ whatsoever.

“ 3. That there *is no principle* in the tenets of
 “ the catholic faith, by which catholics are justified
 “ in not keeping faith with heretics, or other persons
 “ differing from them in religious opinions, in any
 “ transactions, either of a public or a private nature.”

The opinions of the universities of the Sorbonne, Louvaine and Douay, were first received ; and were transmitted to Mr. Pitt with the following letter :

“ Sir,

“ The committee of the English catholics have
 “ the honour to lay before you the opinions of the
 “ universities of Sorbonne, Louvaine, and Douay ;
 “ which have been transmitted to us in consequence
 “ of your desire.

“ You will, we hope, see from these opinions,
 “ that the sentiments of the most famous foreign
 “ bodies, perfectly coincide with those, which we had

“ the honour of stating to you last year, as our firm
 “ and sincere tenets.

“ At the same time, we beg leave to call to your
 “ remembrance, that our opinions were fully stated
 “ to you, previously to the obtaining these of the
 “ foreign universities ; and that they were consulted,
 “ not as the rule, by which we form our ideas of the
 “ duties of good subjects, but as a collateral proof to
 “ you, that our sentiments are consonant to those of
 “ the most enlightened and famous bodies of catholic
 “ divines on the continent, upon these subjects.

“ We have the honour to be, &c.”

As soon as the other opinions were received, the committee transmitted them also to Mr. Pitt.

Copies of the questions proposed to the universities, and of their answers, and translations of them, are inserted in the Appendix*.

XXXVIII. 4.

*Draft of a Bill for repealing the Laws against the
 Roman-catholics.*

AT a meeting of the catholic committee at Mr. Butler's chambers, in Lincoln's Inn, on the 19th of April 1788, at which lord Stourton, lord Petre, lord Clifford, sir Henry Englefield, sir William Jerningham, Mr. Throckmorton, Mr. Towneley, and Mr. Hornyold, were present, it was resolved,

“ That Mr. Butler should prepare the draft of a

* Appendix; note ii.

“ bill for the repeal of the laws against the English catholics.”

The draft of such a bill was accordingly prepared by him.

With the approbation of the committee, it was afterwards laid before Mr. Hargrave, and professionally approved by him.

It consisted of several distinct clauses,—repealing all the laws, which placed the English catholics, in a worse situation than the protestant dissenters; so that, if it had passed in that form, the English catholics would, in respect to all civil rights, have been on a complete level with the protestant dissenters.

It contained no oath, or declaration of any kind,—except that, in some instances, the benefits, which it conferred, were extended to those only, who had taken, or who should take the oath contained in the act, passed in 1778, for the relief of the catholics.

XXXVIII. 5.

The Protestation.

At this time, a general attempt was making to procure a modification of the statutes of uniformity.

They operate, but in a very different degree, on three distinct denominations of christians;—roman-catholics,—protestant dissenters,—and members of the established church.

All were applying to the legislature for relief: At the head of the first, was the catholic committee;—At

the head of the second, Mr. Beaufoy ;—At the head of the third, lord Stanhope.

The dissenters had recently published a pamphlet intitled, “ *The Rights of the Protestant Dissenters to complete Toleration,*” —a standard work among them. They expressed in it, the warmest wishes for the success of the roman-catholics, and called on them to publish their creed.

The express object of lord Stanhope’s bill was to give relief to the non-conformists of the established church : but the medium, through which he proposed to effect this, was,—by liberating persons of every description, from the penalties of non-conformity. The effect of his bill would, therefore, have extended equally to catholics, to protestant dissenters, and to members of the established church ; but it would not have been beneficial to all, in an equal degree ; as it would have been much more beneficial, in its consequences, to the catholics, than it would have been, either to the protestant dissenters, or to the members of the established church, inasmuch as the penalties of non-conformity, to which a catholic is subject, are heavier than the penalties, to which a protestant dissenter, or a member of the established church, is subject.

But, as there was a prejudice against the catholics, which did not exist, at least in the same degree, against any other dissenters, his lordship thought that, in respect to them, it would be advisable to use a method of recommendation to the public, which the others did not appear to him to want.

This was,—that the roman-catholics should so-

lemnly disclaim some of the tenets falsely imputed to them.

For this reason, with long consideration, and after perusing the works of some of the best catholic writers, and conferring with the ministers of other churches, and some of the leading men of all other parties,—but without the slightest communication with any roman-catholic,—his lordship framed the protestation; transmitted it to lord Petre, and recommended that it should be generally signed. On the receipt of it, lord Petre immediately forwarded it to the secretary of the committee, with directions to send copies of it immediately to the four vicars-apostolic.

Such was the origin of the protestation.

At a meeting of the committee on the 17th of December 1788,

Present,

Lord Petre,

Sir Henry Charles Englefield,

Mr. Throckmorton,

Mr. Towneley,

Mr. Berington,

Mr. Wilks ;

A letter from Mr. Walmesley on the subject of the protestation was read.

Mr. Berington acquainted the committee with the sentiments of Mr. Thomas Talbot upon it.

The secretary acquainted the committee with the sentiments of Mr. James Talbot upon it.

In consequence of which, some alterations were made in it; and, with these alterations, it was approved of.

It was resolved, that, with these alterations, it should be immediately transmitted to the vicars-apostolic, accompanied by a letter to them from the secretary, requesting their sentiments upon it.

And, at a meeting of the committee on the 18th of the same month, at which lord Petre, Mr. Throckmorton, Mr. Berington and Mr. Wilks were present, it was resolved, that, as soon as the protestation was approved of, by the vicars apostolic, the secretary should take such measures as he should think advisable, to procure the general signatures of the catholics to it.

Mr. Mitford was requested to undertake the moving, and Mr. Windham, the seconding of the bill in the house of commons.

Both agreed to comply with the request.

In pursuance of the resolutions of the committee, the secretary transmitted copies of the protestation to the four vicars-apostolic,—doctor James Talbot, doctor Thomas Talbot, doctor Walmesley, and doctor Matthew Gibson.

All signed it:—the three first with their own hands, doctor Gibson, by doctor James Talbot, whom he authorised to sign it for him.

It is expressed in the following terms:—

“ We, whose names are hereunto subscribed,
“ catholics of England, do freely, voluntarily, and of
“ our own accord, make the following solemn declaration and protestation.

“ Whereas sentiments unfavourable to us, as citizens and subjects, have been entertained by English
“ protestants, on account of principles which are asserted to be maintained by us and other catholics,

“ and which principles are dangerous to society, and
“ totally repugnant to political and civil liberty ;—it
“ is a duty that we, the English catholics, owe to our
“ country, as well as to ourselves, to protest, in a
“ formal and solemn manner, against doctrines that
“ we condemn, and that constitute no part whatever
“ of our principles, religion, or belief.

“ We are the more anxious to free ourselves from
“ such imputations, because divers protestants, who
“ profess themselves to be real friends to liberty of
“ conscience, have, nevertheless, avowed themselves
“ hostile to us, on account of certain opinions which
“ we are supposed to hold. And we do not blame
“ those protestants for their hostility, if it proceeds
“ (as we hope it does,) not from an intolerant spirit in
“ matters of religion, but from their being misin-
“ formed as to matters of fact.

“ If it were true that we, the English catholics,
“ had adopted the maxims that are erroneously im-
“ puted to us, we acknowledge that we should merit
“ the reproach of being dangerous enemies to the state ;
“ but, we detest those unchristian-like and execrable
“ maxims : and we severally claim, in common with
“ men of all other religions, as a matter of natural
“ justice, that we, the English catholics, ought not to
“ suffer for, or on account of, any wicked or erroneous
“ doctrines that may be held by any other catholics,
“ which doctrines we publicly disclaim, any more than
“ British protestants ought to be rendered respon-
“ sible for any dangerous doctrines, that may be held
“ by any other protestants, which doctrines they, the
“ British protestants, disavow.

“ First, We have been accused of holding, as a
“ principle of our religion, that princes excommuni-
“ cated by the pope and council, or by authority of
“ the see of Rome, may be deposed or murdered by
“ their subjects or other persons.

“ But, so far is the above mentioned unchristian-
“ like and abominable position from being a principle
“ that we hold, that we reject, abhor, and detest it,
“ and every part of it, as execrable and impious; and
“ we do solemnly declare, that neither the pope, either
“ with or without a general council, nor any prelate,
“ nor any priest, nor any assembly of prelates or priests,
“ nor any ecclesiastical power whatever, can absolve the
“ subjects of this realm, or any of them, from their
“ allegiance to his majesty king George the third, who
“ is by authority of parliament, the lawful king of this
“ realm, and of all the dominions thereunto belonging.

“ 2dly, We have also been accused of holding, as
“ a principle of our religion, that implicit obedience
“ is due from us to the orders and decrees of popes
“ and general councils; and that therefore if the pope,
“ or any general council, should, for the good of the
“ church, command us to take up arms against govern-
“ ment, or by any means to subvert the laws and
“ liberties of this country, or to exterminate persons
“ of a different persuasion from us, *we* (it is asserted
“ by our accusers) hold ourselves bound to obey such
“ orders or decrees, on pain of eternal fire.

“ Whereas we positively deny that we hold any
“ such obedience to the pope, and general council, or
“ to either of them; and we believe that no act that
“ is in itself immoral or dishonest can ever be justified

“ by or under colour that it is done either for the good
“ of the church, or in obedience to any ecclesiastical
“ power whatever. We acknowledge no infallibility
“ in the pope ; and we neither apprehend nor believe
“ that our disobedience to any such orders or decrees
“ (should any such be given or made) could subject
“ us to any punishment whatever. And we hold and
“ insist, that the catholic church has no power that
“ can, directly or indirectly, prejudice the rights of
“ protestants, inasmuch as it is strictly confined to the
“ refusing to them a participation in her sacraments
“ and other religious privileges of her communion,
“ which no church (as we conceive) can be expected
“ to give to those out of her pale, and which no person
“ out of her pale will, we suppose, ever require.

“ And we do solemnly declare that no church,
“ nor any prelate, nor any priest, nor any assembly
“ of prelates or priests, nor any ecclesiastical power
“ whatever, hath, have, or ought to have, any juris-
“ diction or authority whatsoever within this realm,
“ that can, directly or indirectly, affect or interfere
“ with the independence, sovereignty, laws, constitu-
“ tion, or government thereof; or the rights, liberties,
“ persons, or properties of the people of the said realm,
“ or of any of them, save only and except by the
“ authority of parliament; and that any such assump-
“ tion of power would be an usurpation.

“ 3rdly, We have likewise been accused of hold-
“ ing, as a principle of our religion, that the pope,
“ by virtue of his spiritual power, can dispense with
“ the obligations of any compact or oath taken or
“ entered into by a catholic : that therefore no oath

“ of allegiance, or other oath can bind us ; and
“ consequently that we can give no security for our
“ allegiance to government.

“ There can be no doubt but that this conclusion
“ would be just if the original proposition upon
“ which it is founded were true ; but we positively
“ deny that we do hold any such principle. And
“ we do solemnly declare that neither the pope, nor
“ any prelate, nor any priest, nor any assembly of
“ prelates or priests, nor any ecclesiastical power
“ whatever, can absolve us, or any of us, from, or
“ dispense with, the obligations of any compact or
“ oath whatsoever.

“ 4thly, We have also been accused of holding,
“ as a principle of our religion, that, not only the
“ pope, but even a catholic priest has power to par-
“ don the sins of catholics at his will and pleasure ;
“ and therefore that no catholic can possibly give
“ any security for his allegiance to any government,
“ inasmuch as the pope or a priest can pardon perjury,
“ rebellion, and high treason.

“ We acknowledge also the justness of this con-
“ clusion, if the proposition upon which it is founded
“ were not totally false. But, *we* do solemnly de-
“ clare, that, on the contrary, we believe that no
“ sin whatever can be forgiven at the will of any pope,
“ or of any priest, or of any person whomsoever ;
“ but that a sincere sorrow for past sin, a firm resolu-
“ tion to avoid future guilt, and every possible atone-
“ ment to God and the injured neighbour, are the
“ previous and indispensable requisites to establish a
“ well founded expectation of forgiveness.

“ 5thly, And we have also been accused of holding, as a principle of our religion, that no faith is to be kept with heretics; so that no government which is not catholic can have any security from us for our allegiance and peaceable behaviour.

“ This doctrine, that faith is not to be kept with heretics, we reject, reprobate and abhor, as being contrary to religion, morality, and common honesty: and we do hold and solemnly declare, that no breach of faith with any person whomsoever, can ever be justified by reason of, or under pretence, that such person is an heretic or an infidel.

“ And we further solemnly declare, that we do make this *declaration* and *protestation*, and every part thereof, in the plain and ordinary sense of the words of the same, without any evasion, equivocation, or mental reservation whatsoever.

“ And we appeal to the justice and candour of our fellow-citizens, whether we, the English catholics, who thus solemnly disclaim, and from our hearts abhor the above-mentioned abominable and unchristian-like principles, ought to be put upon a level with any other men who may hold and profess those principles.”

With a very inconsiderable exception, the protestation was signed by all the catholic clergy and laity in England of any note. In the public prints, it was circulated throughout the country.—It was received with general approbation. In 1789, it was signed, in London, at a general meeting of the English catholics, by every person present.

A copy of it was laid before parliament by the

committee, with a petition, “ praying to be relieved
“ from certain penalties, to which they lay daily ex-
“ posed, on the pretence of doctrines which they had
“ solemnly protested against.”

Soon after the protestation and its signature by the English catholics became generally known, the proposal of a new oath was made to the committee. Far from promoting, they, at first were backward in acceding to the proposal. But it was strongly represented to them, that “ new benefits called for new
“ assurances of fidelity ;” that, “ a more ample
“ extension of privileges demanded from them a
“ more ample declaration of their principles ;” that
“ the nation at large expected it,” and that, “ in
“ the opinion of their best friends, they ought to
“ make it.” For these reasons, the committee, at length, consented to the measure, as conducive to the end they had in view, the success of their intended bill in parliament. An oath was accordingly framed, which, in its original form, was an exact transcript of the protestation, and consequently contained nothing more, than what the bishops, with the body of English catholics, had already signed and approved.

It was communicated to the ministry, and the two great leaders of administration, in the law and civil department, thought fit to make alterations in it. These alterations were immediately submitted to the inspection of the three ecclesiastical members of the committee. Their voice was unanimous in favour of the admissibility of the alterations.

But, that nothing might seem hastily done in this important matter, bishop James Talbot, took the oath,

in its altered state, with him, into the country ; kept it by him, two days, and, at the next meeting of the committee, returned it, with a verbal declaration, that “ he saw nothing in it contrary to faith or good “ morals.”

Of this material circumstance, a minute is made and signed by seven members of the committee.

The clause in the protestation, which was the subject of this alteration, was the following, “ That no “ church, nor any prelate, nor any assembly of prelates “ or priests, nor any ecclesiastical power whatsoever, “ have, hath, or ought to have, any jurisdiction, or “ authority whatsoever, within this realm, that can “ directly or indirectly affect or interfere with the “ independence, sovereignty, laws, constitution, or “ government thereof ; or the rights, liberties, persons or properties of the people, of the said realm, “ or any of them.”

In the oath the party declared, “ that no foreign “ prince, person, prelate, state or potentate, hath, or “ ought to have, any civil jurisdiction or authority “ whatsoever, within this realm ;—or any spiritual “ authority, power or jurisdiction whatsoever, that can “ directly or indirectly affect or interfere with the “ independence, sovereignty, laws, or constitution of “ this kingdom, or with the civil or ecclesiastical government thereof, as by law established, or with “ the rights, liberties, persons, or properties of the “ subjects thereof.”

By the direction of the committee, a copy of the oath, in its altered form, was inserted at length in Woodfall's Register, June 26th 1789. Two hundred

mes of it were separately printed, and one of them was sent by the secretary of the committee to the senior vicar-apostolic.

About this time, some leading persons in the country thought, that it would be more prudent to effect the object of the bill, by a general enactment. In consequence of these suggestions, it was found necessary, (but much in opposition to the opinion of the secretary), to new model the bill, into another form.

The length of time, which it took to arrange the bill to the satisfaction of the different parties, with whom it was found necessary to advise, made it so late in the session, before it was finally settled, that it was thought advisable, that the bringing of it into the house should be postponed till the next session,—but, to put it in a train to proceed, when business should be resumed, Mr. Mitford was requested to inform the house of his intention to bring it in,—and to apprise them generally of its tendency and operation.—This, he obligingly did; and thus, without bringing the bill regularly into the house, formally drew their attention to it, and the oath which it contained. The heads of the bill, and the form of the oath were printed in the public papers.

On the 21st of October 1789, the four vicars-apostolic, doctor Walmesley, doctor James Talbot, doctor Thomas Talbot, and doctor Matthew Gibson, signed an encyclical letter, addressed by them to all the faithful, both clergy and laity, in their four districts, by which they signified that, “having held a
“ meeting on the 19th October 1789, after mature

“ deliberation and previous discussion, they unani-
“ mously condemned the new form of an oath in-
“ tended for the catholics, published in Woodfall’s
“ Register, June 26th 1789, and declared it unlaw-
“ ful to be taken ; and also declared, that none of the
“ faithful, clergy or laity, under their care, ought to
“ take any new oath, or sign any new declaration in
“ doctrinal matters, or subscribe any new instrument,
“ wherein the interests of religion are concerned,
“ without the previous approbation of their respective
“ bishops.”

Very soon after the encyclical letter was signed, the prelates caused a copy of it to be transmitted to the secretary, and he lost no time in sending copies of it to all the members of the committee. He caused it to be represented, through respectable channels, to each of the vicars-apostolic, “ how greatly it was to
“ be wished, that the proceeding should be sus-
“ pended till measures of accommodation should
“ have been tried and found ineffectual ; ” —and he respectfully suggested that, “ in all events, before
“ they separated, it was highly desirable they should
“ agree on such alterations as would remove the
“ objections to the oath.”

Doctor Walmesley, however, notified the encyclical letter to the catholics of his district, and, after a temporary suspense, doctor Gibson did the same, in his district. With the two other prelates, the secretary was more successful : he prevailed on them to suspend the publication of the encyclical letter ; and it was never published either in the London, or in the midland districts.

To accommodate the difference, a meeting took place on the 3d of February 1790, at the Crown and Anchor in the Strand. The following members of the committee attended it :

The right rev. Dr. Charles	Sir H. C. Englefield,
Berington,	Mr. Throckmorton,
The rev. Mr. Joseph Wilks,	Mr. Fermor,
Lord Petre,	Mr. John Towneley,
Sir John Lawson,	Mr. Hornyold.

And, by their desire, were also present,

The right rev. Dr. Walmesley,	The rev. Mr. Booth,
The right rev. Dr. Sharrock,	The rev. Mr. Willacy,
his coadjutor,	Lord Arundell,
The hon. and right rev. Dr.	Sir Thomas Fletewood,
Thomas Talbot,	Sir John Nicholson,
The rev. Mr. Bernard,	Mr. Thomas Stapleton,
The rev. Dr. Belasyse,	Mr. William Sheldon,
The rev. Dr. Rigby,	Mr. Francis Witham,
The rev. Mr. Hussey, after-	Doctor Nihil,
wards bishop of Water-	Mr. Hearne,
ford,	Mr. Henry Clifford,
The rev. Mr. Archer,	Mr. Thomas Hawkins,
The rev. Mr. O'Leary,	Mr. Manby,
The rev. Mr. Strickland,	Mr. Michael Blount,
The rev. Mr. Meynell,	Mr. Thomas Wright,
The rev. Mr. Adams,	Mr. Francis Eyre,
The rev. Mr. Lindo,	Mr. Gifford,
The rev. Mr. Brown,	Mr. Crook,
The rev. Mr. Gabb,	Mr. Bostock,
The rev. Mr. Gregg,	Mr. Douglas.

It was moved,

“ That the committee shall endeavour to prevail
“ on the legislature to alter the oath to the words of
“ the protestation ; and that, so altered, the oath
“ will be unobjectionable.”

It was resolved unanimously, with the exception of Dr. Walmesley's dissent ;—and of Dr. Sharrock's declining to give any answer for the present.

In consequence of this resolution, lord Petre waited on Mr. Mitford, and informed him of the wish of the catholics, that the alteration in question should be made in the oath.

Mr. Mitford obligingly promised to use his endeavours to reconcile government to it ; but observed, that any alteration was greatly to be avoided, from the tendency of every alteration to obstruct the success of the bill.

The oath was altered accordingly, and stood therefore in the following form :

“ That no church, nor any prelate, nor any assembly of prelates or priests, nor any ecclesiastical power whatsoever, have, hath, or ought to have, any jurisdiction or authority whatsoever within this realm, that can, directly or indirectly, interfere with the independency, sovereignty, laws, constitution, government, or the rights, liberties, persons, or properties of the people of the said realm, or any of them.”

This alteration satisfied doctor Thomas Talbot, the vicar-apostolic of the midland district ; but did

not satisfy the vicars-apostolic of the London, Northern and Western districts. Doctor John Douglas had become, vicar-apostolic of the London district, and doctor William Gibson of the Northern; having, on the deaths of doctor James Talbot and doctor Matthew Gibson, been severally appointed to these sees. The three prelates, by an encyclical letter, dated the 19th of January 1791, addressed to the faithful of their respective districts, after noticing their condemnation of the former oath, and that their condemnation of it was confirmed by the apostolic see, and sanctioned also by all the bishops in England and Ireland, declared, that “the altered oath remained liable to the
“censure fixed on the former:”—they also expressed,
“their total disapprobation of the appellation of pro-
“testing catholic dissenters, given the roman-catholics
“in the bill.”

The condemnation of the oath, by the vicars-apostolic, did not withhold the committee from continuing their exertions to obtain the passing of the bill, or induce them to take any step for obtaining an alteration in the oath. In a letter, which they addressed to the general body of the English catholics, on the 21st of April 1792, they thus express themselves on the subject:

“With respect to the oath,—our sentiments upon
“it were these:—The favourable disposition of the
“public,—and the readiness, which the legislature
“showed to grant the relief petitioned for, were con-
“sidered by us, as owing, in a great measure, to the
“protestation. In this, we were, by no means, sin-
“gular. It was the opinion of the best and wisest of

“ our friends ;—that part of our fellow-subjects, from
“ whose prepossessions we had most reason to dread
“ opposition to our relief, were, after they had con-
“ sidered our protest, cordially reconciled to the equity
“ of the measure. The protestant dissenters sur-
“ rendered, by immediate conviction, every ancient
“ jealousy and suspicion, and gave us their good
“ wishes and support. In a letter, which the noble
“ lord, who moved our bill in the house of peers, has
“ since been pleased to write us, his lordship thus
“ expresses himself ;—“ It is highly creditable to the
“ liberal spirit of the times,—that I could have but
“ little distinction in the part that I took. The con-
“ currence was universal for restoring you to those im-
“ munities to which your unambiguous abjuration of
“ any interest, separate from that of the community,
“ irrefragably established your right. I am convinced
“ your sentiments, as citizens, have long merited that
“ indulgence. But it required your public profession,
“ as an aggregate body, to authorise the legislature
“ to remove restrictions, which the unfortunate temper
“ of earlier times had rendered, perhaps, indispens-
“ able.”

“ After this, you will not be surprised at the
“ partiality of your committee to the oath, as it was
“ originally framed upon the protestation.

“ But this was not all.—The protestation was a
“ solemn instrument, signed, (with few exceptions
“ indeed), by all the clergy and all the laity. To
“ the minister, to the houses of parliament, to the
“ nation, your committee had solemnly presented it,
“ as an explicit and unequivocal declaration of the

“ sentiments of the English catholics, as men and
“ citizens. The oath, (whatever might be the senti-
“ ments of others), was, in the opinion of your com-
“ mittee, a counterpart of the protestation. To with-
“ draw the oath, appeared to us receding from the
“ protestation. To recede from the protestation, we
“ held in horror ; we thought it an act of unjustifiable
“ perfidy ; we were persuaded it would cover the
“ body, and ourselves in particular, with ignominy,
“ and make us for ever despicable in the eyes of men
“ of honour, principle, consistency of character or
“ truth. We never, therefore, could be induced to
“ solicit the withdrawing of the oath.

“ *But here, we rested.* When your present oath,
“ or the oath of 1778, or the Canada oath, or any
“ other unobjectionable oath was proposed, we never
“ refused to testify our readiness to take it, if the
“ legislature should think proper to impose it on us ;
“ but, at the same time, we uniformly declared, we
“ had no conscientious objections to the oath as it
“ then stood. We said, we had signed the protesta-
“ tion ; that we considered the oath to be a counter-
“ part of the protestation, and that from the protes-
“ tation we never would recede.”

To prevent any misconception of their conduct by the holy see, the committee determined to depute the rev. Mr. Hussey, afterwards bishop of Waterford, to his holiness. We shall transcribe the minutes of the committee respecting his intended deputation.

XXXVIII. 6.

*Intended Deputation of the rev. Mr. Thomas Hussey to Rome
on the subject of the Bill.*

At a meeting of the committee of English catholics, at the Crown and Anchor in the Strand, on the 5th Nov. 1790 ;

Present,

Dr. Charles Berington,	Mr. Throckmorton,
Mr. Wilks,	Mr. Fermor,
Lord Stourton,	Mr. Towneley,
Lord Petre,	Mr. Hornyold,
Sir H. C. Englefield,	

It was moved, and unanimously resolved,

“ That Mr. Hussey be requested to go to Rome,
“ in the name of the committee, to lay before his ho-
“ liness, a fair representation of the late proceedings
“ of the committee, and an exact state of the present
“ situation of the English catholics.”

At a meeting of the committee of English catholics on the 1st Dec. 1790 ;

Present,

Dr. Charles Berington,	Mr. Throckmorton,
Mr. Wilks,	Mr. Fermor,
Lord Stourton,	Mr. Towneley,
Lord Petre,	Mr. Hornyold.
Sir H. Englefield,	

Mr. Hussey attended, by the desire of the committee, and was informed of the above resolution, and accepted the deputation, and desired minutes of

instructions might be drawn up and given him for his conduct.

At a meeting of the committee on the following day ;—

Present,

Dr. Charles Berington,	Sir Henry Englefield,
Mr. Wilks,	Mr. Throckmorton,
Lord Stourton,	Mr. Towneley,
Lord Petre,	Mr. Hornyold.

It was moved, and unanimously resolved,

That the following instructions be communicated to Mr. Hussey ; and that he should be requested to attend the meeting of the following day.

“ Mr. Hussey will make every prudent exertion
 “ to clear up any misrepresentations, and to give an
 “ accurate account of the state of the catholics in this
 “ country.

“ The main object, which he is requested to keep
 “ steadily in view, is, the necessity, the English catho-
 “ lics were under, of vindicating the integrity of their
 “ principles, repelling the slanderous charges uni-
 “ formly brought against them, for two centuries
 “ past, and of removing those penal and disabling
 “ statutes, which have been gradually undermining
 “ their body, and must, at length, operate almost
 “ a total extinction of the catholic religion in these
 “ dominions. He will represent, that religion has
 “ always been supported, and is at present, every
 “ where supported, except in some few populous
 “ towns, entirely, by the voluntary munificence of
 “ the nobility and gentry ; and, unless they recover

“ their rights, there is imminent danger of the catholic religion’s declining with great rapidity.

“ He will take an opportunity of expressing the surprise and astonishment of the peers and gentry, who never received any answer to the application, they made on the election of Mr. Berington. He will explain the rise and progress of the present business; and show that the protestation was not a voluntary offer of the committee; but a pledge of uprightness called for, by our protestant fellow-subjects; was not attempted to be carried into execution, as a basis of public measures, until it had been approved and signed by the apostolic vicars, the far greater part of the clergy, and most of the respectable laity in the four districts; that it has been already presented to parliament, and therefore, if the present form be not perfectly correct in the wording, the committee are not to blame, because no alterations were previously called for by the clergy, and the deed having gone before parliament, it cannot possibly be revoked.

“ Mr. Hussey will be pleased to insist, if necessary, upon this principle, that what has been done, cannot be undone; and to explain, that the protestation was not intended to hurt religion, but to serve it; not to infringe the communion of English catholics with the holy apostolical see, but to render that communion less odious,—not to prejudice the character of the first pastor of the church, but to rescue it from obloquy and abuse.

“ If the oath is called for, Mr. Hussey will

“ represent, that the catholics of the present times, are
“ only responsible for the protestation, the oath of
“ allegiance and adjuration having been unequivocally
“ taken in 1778; and, of course, the deposing
“ doctrine having been solemnly renounced and ab-
“ jured, we could not hesitate to adopt the qualifying
“ terms, especially as the Sorbonne in 1680, and
“ again in 1695, had informed us that we might
“ safely declare it impious and heretical.

“ If any scruple be raised about the act of settle-
“ ment, and limiting the succession of the crown to
“ the protestant line, Mr. Hussey will not permit
“ that subject to be discussed; because we acknow-
“ ledge no authority to interfere with the succession
“ of our kings, but the law of the land; the au-
“ thority of which law we have already solemnly
“ acknowledged by our oath of allegiance.

“ Mr. Hussey will bear an honourable testimony
“ to the character of Mr. Berington, and insinuate
“ that any doubts about his character, must reflect
“ on the secular clergy, who elected,—the regular
“ clergy, who expressed their satisfaction on hear-
“ ing of that choice,—and on the nobility and
“ gentry, who ardently desired that election to be
“ confirmed.

“ Mr. Hussey will endeavour to pave the way
“ for having bishops in ordinary elected by their
“ clergy, on two grounds; 1st, On account of the
“ great utility of the change in the present circum-
“ stances of the English catholics; 2d, On the sup-
“ position that the legislature may soon require that
“ change to be made.”

The intended deputation of doctor Hussey did not take place. He was chaplain to the Spanish embassy, and could not, therefore, take the proposed journey without the leave of the ambassador ; and this leave, his excellency refused.

XXXVIII. 7.

*The Act passed in 1791 for the relief of the
English Catholics.*

THE committee thus persisting in their refusal to take any active part in procuring an alteration of the oath, it remained in the form in which it stood in the bill, as it was brought into the house of commons. It passed that house without a dissenting voice. After it reached the lords, the vicars-apostolic applied to several peers, to obtain the alteration in it, which they had solicited, and succeeded in the application : the clause, which gave rise to the objection, was altogether omitted : thus altered, it was returned to the house of commons, and afterwards passed unanimously through both houses.

The oath is expressed in the following terms :

“ I, *A. B.* do hereby declare, that I do profess
“ the roman-catholic religion.

“ I, *A. B.* do sincerely promise and swear, that
“ I will be faithful and bear true allegiance to his
“ majesty, king George the third ; and him will
“ defend to the utmost of my power, against all
“ conspiracies and attempts whatever, that shall be
“ made against his person, crown or dignity ; and

“ I will do my utmost endeavour to disclose and
“ make known to his majesty, his heirs and succes-
“ sors, all treasons and traitorous conspiracies which
“ may be formed against him or them: And I do
“ faithfully promise to maintain, support and de-
“ fend, to the utmost of my power, the succession
“ of the crown; which succession by an act, inti-
“ tuled, *An Act for the further limitation of the*
“ *crown, and better securing the rights and liber-*
“ *ties of the subject*, is and stands limited to the
“ princess Sophia, electress and duchess dowager
“ of Hanover, and the heirs of her body, being
“ protestants; hereby utterly renouncing and ab-
“ juring any obedience or allegiance unto any other
“ person claiming or pretending a right to the crown
“ of these realms: And I do swear that I do reject
“ and detest, as an unchristian and impious position,
“ that it is lawful to murder or destroy any person
“ or persons whatsoever, for or under pretence of
“ their being heretics or infidels; and also that un-
“ christian and impious principle, that faith is not
“ to be kept with heretics or infidels: And I fur-
“ ther declare that it is not an article of my faith,
“ and that I do renounce, reject, and abjure the
“ opinion, that princes excommunicated by the pope
“ and council, or any authority of the see of Rome,
“ or by any authority whatsoever, may be deposed or
“ murdered by their subjects, or any person whatso-
“ ever: And I do promise that I will not hold, main-
“ tain or abet any such opinion, or any other
“ opinions contrary to what is expressed in this de-
“ claration: And I do declare, that I do not believe

“ that the pope of Rome, or any other foreign
 “ prince, prelate, state or potentate, hath or ought
 “ to have any temporal or civil jurisdiction, power,
 “ superiority, or pre-eminence, directly or indirectly,
 “ within this realm : And I do solemnly, in the
 “ presence of God, profess, testify and declare, that
 “ I do make this declaration, and every part thereof,
 “ in the plain and ordinary sense of the words of this
 “ oath, without any evasion, equivocation, or mental
 “ reservation whatever : and without any dispensa-
 “ tion already granted by the pope, or any authority
 “ of the see of Rome, or any person whatever ; and
 “ without thinking that I am, or can be, acquitted
 “ before God or man, or absolved of this declaration,
 “ or any part thereof, although the pope, or any
 “ other person or authority whatsoever, shall dispense
 “ with or annul the same, or declare that it was null
 “ and void.”

The act of the 31st of his present majesty, c. 32,
 may be divided into six parts :—The first, contains the
 declaration and oath afterwards referred to in the body
 of the act, and prescribes the method of taking it :—
 The second, is a repeal of the statutes of recusancy, in
 favour of persons taking the oath, prescribed by the
 act : The third, is a toleration, under certain regula-
 tions, of the religious worship of the roman-catho-
 lics, and of their schools for education :—The fourth,
 enacts, that, in future, no one shall be summoned to
 take the oath of supremacy, prescribed by the 1st Wm.
 and Mary, sect. 1, ch. 8, and 1st Geo. I, sect. 2,
 ch. 13, or the declaration against transubstantiation,
 required by the 25th Ch. 2 ;—that the 1st Wm. and

Mary, sect. 1, ch. 9, for removing papists or reputed papists from the cities of London and Westminster, shall not extend to roman-catholics taking the appointed oath ;—and that no peer of Great Britain or Ireland, taking that oath, shall be liable to be prosecuted for coming into his majesty's presence, or into the court or house, where his majesty resides, under the 30th Car. II, st. 2, ch. 1 :—The fifth part of the act, repeals the laws requiring the deeds and wills of roman-catholics to be registered and enrolled :—The sixth, dispenses persons acting as a counsellor at law, barrister, attorney, clerk, or notary, from taking the oath of supremacy or the declaration against transubstantiation.

The double land-tax, being imposed on them by the annual land-tax act, a repeal of it could not be effected by any prospective act : but it was repealed, by omitting from the annual land-tax act, the clause imposing it.

An alteration in the act, which was made in the house of lords, during its passage through that house, raised a doubt, whether to entitle a roman-catholic to the benefits of the act of the eighteenth of his present majesty, it was not necessary to take the oath prescribed by that act, as well as the oath prescribed by the thirty-first of his present majesty. To obviate this doubt, the act of the forty-third of his present majesty was passed, which entitles persons taking the oath prescribed by that act to all the benefits of the act of the eighteenth of his majesty.

XXXVIII. 8.

The Protestation deposited at the Museum.

AT a general meeting of the roman-catholics, held on the 9th day of June 1791, at the Crown and Anchor tavern in the Strand, it was resolved,—

“ That as the oath contained in the bill for the
 “ relief of English catholics, is not expressed in the
 “ words of the protestation, the English catholics take
 “ this occasion to repeat their adherence to the pro-
 “ testation, as an explicit declaration of their civil and
 “ social principles, and direct the committee to use
 “ their endeavours to have it deposited in the Museum,
 “ or some other proper place of public institution, that
 “ it may be preserved there, as a lasting memorial of
 “ their political and moral integrity.”

In pursuance of this resolution, the secretary delivered the protestation into the hands of doctor Morton, the secretary of the British Museum, on the 30th day of the following December.

On the last skin, the following memorandum was written, and it was signed by the secretary, with his name. Every word of it was most maturely considered by him, and he now sees nothing in it to subtract, or change.

“ The above-written solemn instrument of protes-
 “ tation was signed by the English catholics in the
 “ beginning of the year 1789.

“ As soon as the committee of the English catholics
 “ received it, they transmitted it to Mr. Walmesley,

“ the honourable James Talbot, the honourable Thomas Talbot, and Mr. Matthew Gibson, the then four vicars apostolic of the English mission. They all signed it:—The three first with their own hands, —the last by Mr. James Talbot, whom he authorized to sign it for him.

“ After this, it was circulated generally among all the clergy, and among all the catholic laity of any kind of consequence or respectability in England, and not more than six or seven at the utmost, refused to sign it.

“ After Mr. Talbot had signed Mr. Gibson’s name to it, it was suggested to the committee, that the authority given by Mr. Gibson to Mr. Talbot to sign it, was upon condition, that he thought his signature necessary to the success of the bill then in agitation for the relief of the catholics.—The committee did not think his signature necessary, and doubted therefore, whether they were warranted, under these circumstances, in accepting his signature. They signified this to Mr. James Talbot, and by his direction and in his presence it was erased.

“ Mr. Walmesley, and Mr. Robert Bannister signified to the committee, their wish to have their respective names erased, and one other clergyman is said to have intimated a like wish to one of his friends.

“ Thomas Weld, esq. of Lullworth Castle in the county of Dorset, desired it might be mentioned to the officer at the Museum, who should receive the protestation, that he wished his name to be with-

“ drawn, as it was against his will, and without his
“ consent, that it was brought to the Museum.

“ No other signature has been recalled. From
“ the time it was signed to the present moment, it
“ has been in my custody.

“ It was resolved, at their general meeting in last
“ June, ‘ That, as the oath, contained in the bill for
“ the relief of English catholics, is not expressed in
“ the words of the protestation, the English catholics
“ take this occasion to repeat their adherence to the
“ protestation, as an explicit declaration of *their*
“ *civil and social principles*, and direct the com-
“ mittee to use their endeavours to have it deposited
“ in the Museum, or some other proper place of pub-
“ lic institution, that it may be preserved there,
“ as a lasting memorial of their political and moral
“ integrity.’

“ In consequence of this resolution, it is, this
“ 30th day of December 1791, delivered to doctor
“ Morton, the secretary of the British Museum, by,
“ Charles Butler,—secretary to the catholic
“ committee.”

The instrument of protestation, deposited at the
Museum, is the identical instrument, which was sub-
scribed by the gentlemen, who attended the general
meeting of the catholics at the Crown and Anchor in
1789.

CHAP. XXXIX.

THE VETO.

IN the transactions relating to this document, the English catholics can scarcely be said to have taken any part ; so that an account of it may be considered not to fall within the plan of the present pages. But most of their readers will expect to find it in them : we shall therefore, attempt in this chapter—to give (*chiefly in the words of the actors themselves*),—

I. A very summary statement of the penal laws against the Irish catholics ; of the laws passed for their relief ; and of the present state of the penal code : II. An account of the negotiations in 1799, between lord Castlereagh and the Irish catholic prelates, respecting the veto : III. The resolutions of the Irish catholic prelates in its favour : IV. The allegation, that they were intimidated into these resolutions : V. The offer of government to them of a state provision, and their grateful acceptance of it : VI. The degree of negative power, which the English government sought, in these negotiations, to obtain, in the appointment of Irish prelates to their sees : VII. The first mention of the veto in the house of commons, in sir John Coxe Hippisley's speech, on the 13th of May 1805 : VIII. The approbation of that speech by the Irish prelates, and their request that he would publish it : IX. The suggestion of the Veto in the house of commons by Mr. Ponsonby, and,

in the house of Lords, by lord Grenville: X. The subsequent adherence of the Irish prelates to the Veto: XI. The opposition to it in Ireland: XII. Its advocacy in the letter, addressed to a parish priest, by doctor Milner, titular bishop of Castabala, vicar-apostolic in the midland district of England, and, at that time, agent of the Irish bishops: XIII. The declarations of the Irish prelates, that the Veto was inexpedient; the explanation given by the primate O'Reilly of that declaration: XIV. The conciliatory resolution of a meeting of English catholics: XV. And extracts from letters of the pope, and of Monsignor Quarrantotti, and cardinal Litta, on the Veto:—the originals and translations of them are inserted in the Appendix.

XXXIX. 1.

Very summary statement of the laws against the Irish Catholics.

As the penal code against the Irish catholics stood at his majesty's accession to the throne,—(a period, of which every roman-catholic thinks with gratitude),—the Irish catholics were disabled from sitting in either house of parliament,—from every civil and military office,—from voting at elections,—from admission into corporations,—and from practising the law or physic,—a younger brother might deprive his elder brother of the legal benefits of primogeniture, and make him tenant in common of the whole estate with himself;—any child, conforming to the protestant religion, might force his father to yield him up, under

the name of a liberal provision, a part of his landed property ;—and, an eldest or only son, conforming to the established church, might reduce his father's fee-simple to a mere life estate.—A papist was disabled from purchasing freehold lands, and even holding leases ; and any person might take his catholic neighbour's horse by paying him five pounds for it.

The effects of these laws were most dreadful :—They made the Irish catholics drink the cup of human misery, to its lowest dregs,—palsied their industry,—prevented their providing for their families,—drove them abroad for education,—forced them on foreigners for subsistence,—and rendered them aliens among their fellow subjects. Except a few commercial men, and a few antient families, where no son or brother had been found to intrude himself on the family inheritance, all among them was wretchedness and misery.

“ The history of Ireland,” says the late lord Clare in his printed speech, “ stands unparalleled in “ the history of the inhabited world.—The whole of “ the island has been confiscated, with the exception “ of the estates of five or six families of English “ blood *once*, and no inconsiderable portion of it has “ been confiscated *twice, or perhaps thrice*, in the “ course of a century.”

The first act, which gave them substantial relief, was passed in the year 1778 :—by that, the laws, which enabled a son to reduce his father's fee-simple estate to a tenancy for life, and to force from him a portion, and an annual sum for maintenance ;—and the laws, which enabled a younger brother to rob the

elder brother of a part of his patrimony, were repealed, and catholics were permitted to take long leases of lands.

The next act for their relief was passed in the year 1782 : It enabled the catholics to acquire lands, either by purchase or descent, with an exception of advowsons, and of any lands in a borough, the freeholders or inhabitants of which were entitled to vote for burgesses, representing them in parliament.

The act of 1793, brought them into their present situation. That it ameliorated their situation, considerably, cannot be denied :—still, between them and their fellow subjects, a distinction,—not so great as it was formerly,—but still strongly marked,—is continued. It keeps them from falling into the general mass of the community, makes them a nation within a nation, and holds them out to their fellow subjects as an inferior cast, not to be honoured or trusted,—which it is the general interest of the nation to treat as aliens,—and to look upon with jealousy. This reduces them to a state of degradation and subserviency, always mortifying to their feelings, and frequently injurious to their interests. It must be added, that they suffer still more from the administration of the laws, than from the laws themselves.

Such is the situation of the Irish catholics. It is little understood : no publication describes it so well as “ *The Statement of the penal laws, which aggrieve the catholics of Ireland.*”

That things should remain long in this state, is impossible. “ In numbers,” says the intelligent writer of *The Statement*, “ the Irish catholics have

“ prodigiously increased ; and they are continually
“ increasing, beyond example in any other country.
“ Already, they compose the far greater part of the
“ trading and manufacturing interests. The agricul-
“ tural class, so powerful and influential throughout
“ Ireland, the land-holders, farmers, peasantry, are
“ almost universally catholics. They occupy the most
“ valuable positions, whether for commercial or for
“ military purposes ; the boldest coasts, most navi-
“ gable rivers, and most tenable passes ; the most
“ fertile districts, the richest supplies of forage, the
“ readiest means of attack or defence.—Numerically,
“ the catholics constitute full five sixths of the Irish
“ population ; and, compared with the members of
“ the established church, they are in the proportion
“ of at least ten to one. In every city, town, or
“ village, their numbers more or less preponderate.
“ The open country is in almost their exclusive occu-
“ pation. The gross population of Ireland, at this
“ day, is moderately estimated, by the most competent
“ judges, at five millions of inhabitants. Of this
“ number, we may, without exaggeration, state the
“ catholics as amounting to four millions two hundred
“ thousand ; that is,—equal to one half of the united
“ population of England and Wales.” Imposing as
is this view of the strength of the Irish catholics,—a
strength too that hourly increases,—their attachment
to their religion adds to its power. This attachment
is unparalleled in history. In every circumstance of
life, the religion of an Irish catholic is the nearest
and dearest affection of his heart. In the midst of

the oppression which surrounds him, it elevates him, in his own feelings, far above his oppressors.

That it is essential to the welfare of the British empire, to attach this numerous and noble portion of its subjects to its constitution and government, now begins to be seen : and it has lately been found, that a free communication to them of all the good contained in either, is the only way of securing their attachment. It has also been discovered, that the blessings of neither will be freely communicated to them, unless the situations which confer honour, power, wealth and comfort, are liberally opened to them. This broad principle of a liberal communion of advantage was contemplated at the union. The roman-catholics assert, that it was formally promised them, as a boon for their co-operation in that measure. This has been denied by some, who were particularly instrumental in its success; but even by these, it is admitted, that the catholics universally understood, that their emancipation, (for we must now use the language of the day), would be a speedy consequence of the union; and this nearly brings the point in difference to a dispute of words. The same principle of a liberal communion of advantage was also contemplated in the bill for their emancipation, which was brought into parliament in the year 1813, and formed its basis. After three debates in the house of commons, each of which lasted for several hours, it was lost by a minority of four votes. That, if it had passed, it would have placed both the English and Irish catholics in a much better situation than they now hold in the British empire, cannot be

denied. To many catholics, however, it certainly was unpalatable. They chiefly quarrelled with it, for the negative, which it allowed the crown, in the election of bishops, and for the regulations, to which it subjected the correspondence of the dignitaries of their church with the see of Rome. The negative power, which these clauses were supposed to confer on the crown, soon received the short but expressive appellation of **THE VETO**.

XXXIX. 2.

Negotiations, between Lord Castlereagh and the Catholic Prelates of Ireland, in 1799, respecting the Veto.

THE material document, on this part of the subject, is lord Castlereagh's speech in the debate, in the house commons, in the sessions of 1810, on the petition of the roman-catholics of Ireland*. His lordship's speech,—a corrected copy of which is now before the writer,—contains the following important passage :

“ After some introductory observations,” says the compiler of the account of his lordship's speech, “ lord Castlereagh proceeded to discuss the internal circumstances of Ireland, which rendered regulations necessary ; and made concession, under adequate

* See The substance of the Speech delivered by lord viscount Castlereagh, on the 25th of May 1810, on Mr. Grattan's motion to take into consideration the roman-catholic Petition. To which are added, copies of the original documents therein referred to. Stockdale, 1810. See also, The debates in both houses of parliament, in the sessions of 1810 ; on the Petition of the roman-catholics of Ireland.—Keating, Brown and Keating, 1811.

“ checks, conducive to the social settlement of Ire-
“ land. He adverted to the magnitude of catholic
“ population; the struggles for power, that had, for
“ centuries, divided and desolated the country; the
“ severe laws, which the protestants, a minority in
“ Ireland, but a majority in the scale of the empire,
“ had felt themselves compelled, under an overruling
“ necessity, to enact, for their own preservation;—
“ Laws framed to depress catholic power, and to secure
“ the state and the church, by weakening opponents,
“ then unhappily hostile to both. Happy times had
“ succeeded. The last century in Ireland had been
“ one of comparative repose and returning concord.
“ The protestants had met the change with corres-
“ ponding sentiments, and we had the satisfaction to
“ observe, under the benevolent protection of his
“ present majesty, the catholics relieved from all the
“ severities and the greater part of the disabilities of
“ that painful code; but still, whilst the roman-catho-
“ lics have long ceased to be a depressed and im-
“ poverished people; whilst all the means of acquiring
“ wealth, influence, and, of course, power, have been
“ communicated to them, little progress has been
“ made in considering how this mighty interest in
“ the scale, not only of Ireland, but of the empire,
“ can best be brought into useful connection with the
“ state.

“ His right hon. friend (*sir W. Scott*,) had
“ truly described the great power and influence,
“ which, every where appertains to the roman-catho-
“ lic hierarchy, and no where, in a greater degree,
“ than in Ireland. It might be doubted, whether

“ the influence of the roman-catholic clergy in Ire-
“ land was not the most powerful instrument that
“ existed, in that country, to direct the minds of the
“ people ; not merely with respect to their spiritual,
“ but their temporal, concerns. How important then,
“ to the peace, as well as social and moral improve-
“ ment of the country, that the clergy of so large a
“ proportion of the people should be connected with
“ the state, by every tie of common interest, which
“ may be compatible with the principles of their re-
“ ligion and the character of its ministers !

“ When he expressed his desire to see such a con-
“ nection established, *it was not in the expectation of*
“ *imposing upon them, any unbecoming or unworthy*
“ *influence, which might lower them in the minds of*
“ *their own people, and disqualify them for the due*
“ *discharge of their sacred functions. It was no*
“ *part of his purpose to endeavour to extinguish the*
“ *roman-catholic religion in Ireland : he might la-*
“ *ment the extent of sectarianism in the empire, as*
“ *adding largely to the difficulties of governing it ;*
“ *but he was sure any attempt, at this time, to disturb*
“ *the faith and habits of a people, long attached, under*
“ *every difficulty, to their religion, was equally unwise*
“ *and impracticable ; his wish was, therefore, not that*
“ *they should cease to be roman-catholics, for if they*
“ *did, they probably would cease to have any religion ;*
“ *it was, that they should continue to be sincere, but*
“ *liberal roman-catholics, connecting themselves with*
“ *their own government, for purposes of mutual bene-*
“ *fit, to the exclusion of all foreign connection.*

“ It was not, as justifying any reflection upon the
“ roman-catholic body in Ireland, he felt it necessary
“ to observe, that, not only no connection at this
“ moment subsisted between their church and the
“ temporal state, under which they lived ;—such as
“ has been known to exist, both between roman-
“ catholic governments and roman-catholic churches,
“ —but between protestant governments and roman-
“ catholic churches,—without any infraction of the
“ principles of their faith ;—but that the catholic
“ hierarchy in Ireland is known to be, at this day, in
“ a state of more complete and unqualified dependence
“ upon a foreign authority, than any other catholic
“ church, now subsisting in Europe. It is no reproach
“ to the catholic clergy in Ireland, that the liberties
“ of their church have not been vindicated in former
“ times, as successfully, against the see of Rome, as
“ those of the Gallican or other roman-catholic churches
“ have been. Such efforts have seldom been made,
“ successfully, except in concert with, and at the in-
“ stance of the state itself. It has been the unfortunate
“ policy of the British government, since the Refor-
“ mation, instead of endeavouring to limit and con-
“ trol papal authority,—(so far as papal power may,
“ consistently with the principles of the roman-catholic
“ church, be limited and controlled), to aim at a
“ fruitless and ineffectual exclusion of what they never
“ did, nor could, effectually exclude. If such a policy
“ were ever rational, it is obviously inapplicable to
“ times, when the religion of the roman-catholics is
“ not only recognised and established by law ; but

“ those, who profess it, admitted to the exercise, if
“ not to all, at least to some of the most important
“ privileges of the constitution.

“ Is it not obvious, then, that the state and the
“ roman-catholics have a common interest in obtaining
“ such safeguards against the abuse of papal authority
“ and foreign influence, as other states, both roman-
“ catholic and protestant, have established, without
“ prejudice to the principles of the roman-catholic
“ church, and with the full acquiescence and sanction
“ of the pope himself? And surely, if, at former
“ periods, such securities were desirable, how indis-
“ pensably necessary have they become, since the head
“ of that church has not only ceased, in common with
“ the other states of Europe, to be free, but has been
“ enslaved as a prisoner, within the territories of the
“ enemy?

“ Such were the feelings and impressions, under
“ which Mr. Pitt’s government, at the period of the
“ Union, contemplated the possibility of effecting a
“ general settlement.

“ Upon the ecclesiastical part of the arrangement,
“ lord Castlereagh was authorised, in the year 1799,
“ to communicate with the catholic clergy. It was
“ then distinctly understood, that the consideration of
“ the political claims of the catholics must remain for
“ the consideration of the imperial parliament; but
“ the expediency of making, without delay, some pro-
“ vision for their clergy, under proper regulations, was
“ so generally recognised, even by those, who were
“ averse to concessions of a political nature, that a

“ communication was officially opened with the heads
 “ of their clergy upon the subject.

“ The result of their deliberations was laid before
 “ government, in certain resolutions, signed by ten of
 “ their bishops, including the four metropolitans, in
 “ January 1799.”

XXXIX. 3.

*Resolutions of the Irish Prelates in 1799, in favour of
 the Veto.*

THE following is *an authentic copy of these celebrated resolutions.*

“ At a meeting of the roman-catholic prelates, held
 “ in Dublin the 17th, 18th and 19th of January 1799,
 “ to deliberate on a proposal, from government, for an
 “ independent provision for the roman-catholic clergy
 “ of Ireland, under certain regulations, not incom-
 “ patible with their doctrines, discipline, or just in-
 “ fluence,—it was admitted,

“ That a provision, through government, for the
 “ roman-catholic clergy of this kingdom, competent
 “ and secured, ought to be thankfully accepted.

“ That, in the appointment of the prelates of the
 “ roman-catholic religion to vacant sees, within the
 “ kingdom, such interference of government, as may
 “ enable it to be satisfied of the loyalty of the person
 “ appointed, is just, and ought to be agreed to.

“ That, to give this principle its operation with-
 “ out infringing the discipline of the roman-catholic

“ church, or diminishing the religious influence, which
 “ prelates of that church ought justly to possess over
 “ their respective flocks, the following regulations
 “ seem necessary :

“ 1st. In the vacancy of a see, the clergy of the
 “ diocese to recommend, as usual, a candidate to the
 “ prelates of the ecclesiastical province, who elect him,
 “ or any other they may think more worthy, by a ma-
 “ jority of suffrages :—in the case of equality of suf-
 “ frages, the presiding metropolitan to have a casting
 “ vote.

“ 2d. In the election of a metropolitan, if the
 “ provincial prelates do not agree, within two months
 “ after the vacancy, the senior prelate shall forthwith
 “ invite the surviving metropolitans to the election,
 “ in which each will have a vote : in the equality of
 “ suffrages, the presiding metropolitan to have a cast-
 “ ing vote.

“ 3d. In these elections, the majority of suffrages
 “ must be ultra-medietatem, as the canons require, or
 “ must consist of the suffrages of more than half the
 “ electors.

“ 4th. *The candidates so selected, to be presented
 “ by the president of the election to government ;
 “ which, within one month after such presentation,
 “ will transmit the name of the said candidate, if no
 “ objection be made against him, for appointment to
 “ the holy see, or return the said name to the presi-
 “ dent of the election, for such transmission as may
 “ be agreed on.*

“ 5th. *If government have any proper objection
 “ against such candidates, the president of the election*

“ *will be informed thereof within one month after*
 “ *presentation, who, in that case, will convene the*
 “ *electors to the election of another candidate.*

“ Agreeably to the discipline of the roman-catholic
 “ church, these regulations can have no effect, without
 “ the sanction of the holy see ; which sanction, the
 “ roman-catholic prelates of this kingdom shall, as
 “ soon as may be, use their endeavours to procure.

“ The prelates are satisfied, that the nomination
 “ of the parish priests, with a certificate of their having
 “ taken the oath of allegiance, be certified to govern-
 “ ment.

“ Richard O'Reilly, R. C. A. B. Armagh.

“ J. J. Troy, R. C. A. B. Dublin.

“ Edward Dillon, R. C. A. B. Tuam.

“ Thomas Bray, R. C. A. B. Cashel.

“ P. J. Plunkett, R. C. B. Meath.

“ F. Moylan, R. C. B. Cork.

“ Daniel Delancy, R. C. B. Kildare.

“ Edmund French, R. C. B. Elphin.

“ James Caufield, R. C. B. Ferns.

“ John Cruise, R. C. B. Ardagh.”

“ Dublin, January 28th 1799.

“ The prelates, assembled to deliberate on a pro-
 “ posal from government, of a provison for the clergy,
 “ have agreed, that m. r. doctor O'Reilly, m. r.
 “ doctor Troy, r. r. doctor Plunkett, and such other
 “ of the prelates, who may be in town, be commis-
 “ sioned to transact all business with government,
 “ relative to the said proposal, under the substance of
 “ the regulations agreed on and subscribed by them.”

From these papers it appears, that the resolutions of the Irish roman-catholic prelates in favour of the Veto, were the subject of their deliberations for three successive days ; and that, on the ninth day after their last deliberation upon it, the prelates again met, and appointed a committee to complete the business, according to the substance of the resolution.

The prelates assembled were ten in number : they consisted of the four metropolitan archbishops, and the six senior bishops.

XXXIX. 4.

Allegation that the Irish catholic prelates were intimidated into the Resolutions of 1799.

It will be seen that, at a future period, the Irish prelates objected to the *expediency* of these resolutions. Their raising this objection, exposed them to the charge of *inconsistency*. To defend them against it, a strange apology was made for them by some of their advocates. Doctor Milner, then their London agent, in his *Elucidation of the Veto*, says, “ the prelates were beset and plied ;” and Mr. Clinch, their Dublin advocate, writes, in his *Inquiry, Dublin, 1808*, that the resolutions passed, “ when the reign of terror was still breathing ; by “ practising upon fear and solitude, and by little “ less than a menace.”

This apology criminales, equally, the prelates and government. It imputes, to the former, a total deficiency of religious firmness, and even a want of common manly fortitude : to the latter, practices

of a very ungenerous nature. The conduct of neither stands in need of any such apology ; as nothing like terror or artifice was used, to obtain the resolutions.

That any such means were used, has never been asserted by the prelates themselves, and the use of them has been explicitly denied by lord Castlereagh. In the speech, to which we have already referred, his lordship said, “ the house would judge of the
“ surprise, with which he must have learnt, after
“ receiving from the hands of that church, the re-
“ solutions in question, not only that such regulations
“ as were therein expressed, could not be acceded
“ to by the catholics ; but that it was also alleged,
“ that the roman-catholic bishops, who signed those
“ resolutions, had been terrified by the Irish go-
“ vernment of that day, into an acquiescence in
“ measures, which they afterwards, upon reflection,
“ disapproved.

Lord Castlereagh expressed his persuasion that
“ a statement, so ridiculous upon the face of it, *and*
so utterly destitute of truth, never could have been
“ countenanced by any one of the respectable indi-
“ viduals, who signed those resolutions. The fact
“ was, that he never perceived the slightest repug-
“ nance, on their part to the measure ; or a doubt
“ of its being consistent with the principles of their
“ religion, to give to the crown a negative upon the
“ appointment of their bishops. As little did they
“ doubt of the arrangements being acceptable to the
“ pope, whose consent, they undertook to use their
“ endeavour, as soon as possible, to procure.”

Nothing can be more explicit than these declarations of lord Castlereagh ; and it must be admitted that the declarations of doctor Milner, their London agent, are equally explicit. In his “ *Letter to a Parish Priest,*” he tells the prelates in express terms, that “ they made the resolutions *voluntarily.*”

XXXIX. 5.

The Offer by Government to the Irish prelates, and their acceptance of a State Provision.

ANOTHER part of the arrangement, in 1799, between the Irish roman-catholic prelates, and lord Castlereagh, respected the provision to be made, by the state, for the Irish roman-catholic clergy.

To understand it, the reader should be informed, that the roman-catholic clergy of Ireland are supported by the contributions of their respective flocks, except in some instances, where the pious charity of individuals, has established a permanent fund, for the provision, of clergymen, attached to particular places, or to particular functions. Mr. Newenham, in the Appendix * to his “ *View of the Natural, Political, and Commercial Circumstances of Ireland,*” has inserted a letter from a roman-catholic clergyman of the city of Cork, which gives a full and interesting view of the situation of the roman-catholic clergy in Ireland. It shows, “ the nature of their subsistence,” to use the writer’s own words, to be “ precarious, unsatisfactory, and uncomfortable,” as it depends on their receiving certain remunerations, on ordinations, marriages,

* N^o. xxix. p. [41.]

and baptisms. It is obvious, that such a mode of payment of ecclesiastical dues must be extremely unpleasant both to the clergy and the laity. An alteration of it had long been desired.

Not long before the period, of which we are now speaking, the roman-catholic bishops of Scotland, had solicited such a provision, in aid of the pittance left to them and their clergy from the confiscation of their property on the continent*. Mr. Pitt lent a compassionate ear to their distresses, and appropriated, from the public revenue, a yearly sum of money for their relief, and made a liberal donation to each of their seminaries. The sentiments of the see of Rome, on this act of munificence, were expressed in an official note, addressed to sir John Cox Hhipisley, under the signature of cardinal Borgia, prefect of the congregation of *Propagandá Fide*, by the express command of the sovereign pontiff.

The meritorious and edifying conduct of the Irish prelates, on this delicate part of the negotiation between them and lord Castlereagh, is thus mentioned by lord Castlereagh†, “ It is due, (says his lordship), “ to the roman-catholic bishops, at the same time, to “ state, that government experienced, on their part, “ every facility in the inquiries they had to make ; “ they furnished them freely, and without the appear- “ ance of distrust, with every information they re- “ quired. They showed, throughout the discussion,

* Debates in 1810, p. 28. The substance of the speech of sir John Cox Hhipisley on seconding Mr. Grattan's motion in 1810, pp. 7, 8, 9 & 10.

† Debates in 1810, p. 94.

“ an earnest disposition to conform to any arrange-
 “ ments which might be proposed, with a view to
 “ give confidence to the protestants, and which might
 “ not derogate from the principles of their own
 “ church. They acknowledged that a moderate pro-
 “ vision from the state, such as had been extended to
 “ the presbyterian clergy in Ireland, and to the
 “ roman-catholic clergy in Scotland, would contribute
 “ much to the comfort and respectability of their
 “ clergy; yet they always displayed an unaffected and
 “ disinterested reluctance to receive exclusive benefits,
 “ which might have the appearance of separating
 “ their interests from those of the laity, and thereby
 “ impair their means of discharging, with effect, their
 “ sacred functions.”

XXXIX. 6.

The degree of negative Power, in the appointment of Irish Prelates to their Sees, which, in these negotiations, Government proposed to be conceded to the Sovereign.

WE shall close this account of the origin of the Veto, with lord Castlereagh's exposition of the degree of negative power, which government wished to obtain, in the appointment of roman-catholic prelates in Ireland, and of the reasons, which made government think, that their obtaining it was desirable: “ So far,” these are his lordship's words, “ was the negative intended to be given to the crown, from being considered, as carrying with it, any direct control over the appointment of their bishops, that the

“ wish to have such a power was distinctly disclaimed
“ on the part of government. Not that ministers
“ considered that an actual nomination of a roman-
“ catholic bishop, even by a temporal prince of a
“ different church, was, in itself, necessarily incom-
“ patible with the roman-catholic faith in Ireland,
“ any more than in Russia, or Prussia,—(the nomi-
“ nation only operating in the nature of a recom-
“ mendation to the pope ;)—but it was, of all others,
“ precisely that power, which government would
“ have been most unwilling to charge itself with ;
“ incompetent as they felt themselves, faithfully to
“ administer such trust, they were persuaded that
“ direct patronage was unnecessary to the purposes,
“ which alone they had in view, in claiming any in-
“ terference ; viz. the obtaining for the protestants,
“ a security that no person, thereafter, should be
“ invested with the functions of a roman-catholic
“ bishop, of whose character, as a loyal man and
“ good subject, the state was not previously satisfied.
“ They also knew, that direct appointments by the
“ state, were likely to create unnecessary jealousy,
“ and to deprive, in the same degree, the individual
“ chosen, of the respect and confidence of those com-
“ mitted to his care. If patronage had been really
“ the object, it never could have been secured ; but
“ on the contrary it would have been defeated, by
“ the open and avowed exercise of such a power, as
“ the proposed negative, by the responsible servants
“ of the crown. *No such object was looked to ; and*
“ *the persons, with whom government communicated,*
“ *at the time, did perfectly understand, and did*

“ *justice to the principles, upon which government acted.*

“ Those, who had studied the public temper of Ireland, can best appreciate, how salutary would have been the effects of such an arrangement ; how much the protestants would have been conciliated and satisfied, if the government were intrusted with the means of excluding dangerous men from the exercise of such important powers ; and how much the roman-catholic clergy might be improved, if they grew up in such communication with the state, under which they lived, as to feel that it was not less their interest, than their duty to maintain, at all times, a reputation for loyalty and fidelity. Its benefits would not have terminated there. In times of public tumult and popular delusion, the roman-catholic clergy would feel, that they had, at least something, on which they might subsist, without being compelled to flatter their misguided flock, till the period of intemperance had passed away, and might thus be enabled, with a firmer and bolder step, to tread in the path of their duty.

“ Whilst the roman-catholic clergy feel a becoming confidence in the purity of their own intentions, and justly appeal to the tests, by which they have solemnly disclaimed all the noxious tenets which have, in former times, been imputed to their church ;—whilst they declare that they owe no obedience to the pope, inconsistent with their duty as good subjects, and that their allegiance to the external head of their church is purely spiritual, and restricted to matters of faith and doctrine, yet

“ they must be too well versed in the history of man-
“ kind, not to feel, and to allow, that, so long as
“ spiritual authority is exercised by men, it is prone
“ to mix itself in temporal concerns ; more especially
“ in matters, which may be considered as affecting
“ the interests of the church itself :—that a taste for
“ power is inseparable from human nature, and that
“ the time may return, when the power and influ-
“ ence of the see of Rome, if not restrained by
“ wholesome regulations, (a supposition not extrava-
“ gant, when the visible head of the catholic church
“ is a prisoner, and consequently an instrument in the
“ hands of the enemy),—may be turned against the
“ temporal interests and security of the state. Why
“ is the British government alone, of all the powers
“ in Europe, to remain exposed to a danger, against
“ which it has been the invariable policy of all other
“ states, roman-catholic as well as protestant to pro-
“ vide ? Why should Spain, the country perhaps, of
“ all others in Europe, least disposed either to heresy
“ or schism, have sedulously excluded the see of
“ Rome from any intercourse with the church, ex-
“ cept through the state ? Why did Austria ? Why
“ did France ?—Unless they were satisfied that such
“ a power, if secretly exercised over the clergy,
“ (passing by the state), might and must be abused ?
“ If roman-catholic states have not thought it safe to
“ rely upon the mere security of oaths, defining the
“ allegiance of the clergy to the temporal government,
“ the interpretation of which, in all cases of doubtful
“ import, as matters of conscience, can only rest with
“ the individuals subscribing them ; and, if they have

“ deemed it essential to their freedom, and safety, to
“ fence themselves round with additional safeguards,
“ and even to exclude the direct power of the see of
“ Rome, from operating within their dominions, in
“ concerns not purely appertaining to faith and
“ doctrine, can the roman-catholics of these do-
“ minions complain, if the protestant state of this
“ realm should regard that foreign power with similar
“ sentiments of fair and justifiable jealousy ; and
“ insist upon corresponding measures of security and
“ precaution ? Shall the roman-catholics of Ireland
“ complain, or are they rationally entitled to impute
“ to their own government, views either illiberal or
“ unwise, when they demand securities from them,
“ not greater than states, purely roman-catholic in
“ their structure, have required ? If the sovereigns
“ of Russia, and Prussia, claimed not only the right
“ of excluding all briefs or rescripts from the see of
“ Rome, not previously submitted to the temporal
“ authority of the respective states ; if *they* further
“ assumed—(if not with the formal sanction of the
“ sovereign pontiff expressed in a concordat, yet
“ certainly with his full and cordial acquiescence in
“ giving effect to the appointments made),—the di-
“ rect and positive nomination to all the roman-catholic
“ sees, within their dominions ;—if regulations, simi-
“ lar in principle, have prevailed in protestant states,
“ popular in their form of government ;—shall it
“ be imputed as a demand, unreasonable, on the part
“ of the crown of Great Britain, not actually to
“ nominate, but to have the power of excluding per-
“ sons from the exercise of the episcopal functions,

“ in whose loyalty his majesty cannot confide?—
“ Shall all the roman-catholic subjects in Europe,
“ cheerfully confide such power, in their respective
“ governments?—Shall the head of the roman-ca-
“ tholic church himself, acknowledge such powers,
“ not only in all the roman-catholic sovereigns in
“ Europe, but in the monarch of the Greek church,
“ in Russia, and in the protestant monarch of Prus-
“ sia; and yet refuse to the king of these realms a
“ much more limited interference? That such re-
“ pugnance would have been found in the late or
“ present pontiff, when in possession of their personal
“ liberties, has always been denied by persons, most
“ competent to answer for their sentiments. Does
“ it then become the Irish roman-catholics to raise
“ difficulties on this head? Does it become their
“ titular bishops, after all that has passed on this sub-
“ ject, to object? They ought to recollect that their
“ church, being a strictly papal church, peculiarly
“ warrants the state in such a demand. The roman-
“ catholic church in Ireland, from causes already al-
“ luded to, never has vindicated its own liberties
“ against the see of Rome; it has no concordat; it
“ has no domestic rights, expressly secured. The
“ pope has, on many occasions, rejected the recom-
“ mendations of their bishops to vacant sees, and sub-
“ stituted direct nominations, from himself, in their
“ room. In short, it may be asserted, founding their
“ discipline and church government principally on
“ the canons of the council of Trent, a council which
“ pointedly saved to the see of Rome all its rights
“ and privileges, in the most extended and objection-

“ able sense, and which has never been acknowledged
“ in points of discipline, by the Gallican and other
“ free churches, that the Irish church is, at this day,
“ one of the most dependent in Europe ; and that, in
“ which the power of the pope has the most unqualified
“ sway.

“ It is impossible that the roman-catholics of
“ Ireland should, upon reflection, gravely deter-
“ mine to stand on such grounds, when they come
“ to solicit constitutional privileges, and political
“ confidence. Do they mean to describe themselves
“ as such separatists from the whole body of the
“ roman-catholics in Europe, that, consistently with
“ the principles of their religion, they cannot enter
“ into any connection with the state, under which
“ they live? In the discussion of the mutual confi-
“ dence, that might be expected hereafter to prevail,
“ many new points may suggest themselves for candid
“ consideration; but, can there exist any question
“ upon points, long since settled, and understood,
“ by the practice of every liberal roman-catholic in
“ Europe?—If such pretensions are persevered in,
“ the inference must be, not that the roman-catholic
“ religion itself is the obstacle, but that the belief
“ and practice of it, as, at this day, prevalent in
“ Ireland, is the impediment.—Are the roman-
“ catholics prepared for such an avowal?

“ If they are, it appeared to him, that they must
“ wait till better times and better notions prevail on
“ their part, before they can hope to urge their claims
“ with any prospect of success. With such senti-
“ ments, political incorporation can never lead to

“ peace and union. Upon such principles, concession was never contemplated by Mr. Pitt ; nor, as he believed, by any of those, who acted with him at the time of the Union. *They were prepared to give the roman-catholics the most unqualified securities, for the exercise of their religion ;* their wish was, to see the ministers of the roman-catholic communion, without prejudice to the established religion, decently endowed. They had no desire to interfere with the discipline of the roman-catholic church, so far as it regarded matters of worship ; but in so far as it concerned the appointment of their clergy, especially the titular bishops, and more particularly the intercourse of the roman-catholic body with the see of Rome, they desired to see it brought under such regulations, as, without imposing any degrading dependence upon the crown, might dissipate the impression of alarm, naturally arising from the secret exercise of a foreign influence within these realms.—By secret, he did not mean to insinuate, that it had not been innocently exercised in latter times ;—by the two latter pontiffs, he believed it had been, not only innocently, but most virtuously administered, and with the most friendly views, both to the interests of the state, and the preservation of internal peace ; but no such covert interference ought to prevail in any country ; and it ought to be the wish of the roman-catholic body, as much as of the protestant, that its operations should be undisguised, and be submitted openly to the inspection of the temporal power.

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“ Lord Castlereagh proceeded to argue on the
“ compatibility of such a modified endowment of the
“ clergy of a dissenting sect, with the preservation
“ of the established church, in all its rights and pri-
“ vileges. He instanced the advantages, which had
“ been derived from a similar provision, which had
“ long been enjoyed by the presbyterian clergy ; but
“ especially from the regulations, under which that
“ endowment had been lately extended. He ad-
“ verted to a similar extension of royal benevolence
“ to the roman-catholic clergy in Scotland, which
“ took place, with the grateful acknowledgments of
“ the late pope Pius the sixth, in the year 1798.
“ He pointed out, that the adoption of such a mea-
“ sure of indulgence to the two ancient sects, whose
“ numbers and weight in the empire made them
“ objects of permanent regulation, did not coun-
“ tenance any claim in the various and fluctuating
“ sectaries of the present day to similar favour and
“ protection, which could not fail to be productive of
“ the greatest evils, as tending to encourage religious
“ separation. He instanced the case of Scotland,
“ where the episcopal church was endowed by the
“ state, without prejudice to the established presby-
“ terian religion ; and contended that, so far from
“ endangering, such a system was calculated to
“ strengthen the established church, by tranquillizing
“ Ireland, and by placing the clergy of the most
“ numerous sect in a more friendly relation to the
“ state.

“ In this view, he farther argued against the idea,
“ that any additional evil or difficulty arose from

“ the existence of the roman-catholic religion in an
 “ episcopal form in Ireland. On the contrary, he
 “ was of opinion, that the power and authority inci-
 “ dent to bishops was, in itself, pro tanto, a salutary
 “ reduction of the external authority of the see of
 “ Rome ; and, on this ground, however the assump-
 “ tion of the titular character might excite some
 “ degree of uneasiness, he much preferred the mi-
 “ nistry of bishops to that of apostolic vicars, who
 “ were mere missionaries, removable at pleasure,
 “ and obliged explicitly to obey all orders from
 “ Rome.”

XXXIX. 7-

*First mention of the Veto in the House of Commons in Sir
 John Cox Hippisley's Speech, of the 13th May 1805.—
 Division on that Debate.*

THE negotiation between the roman-catholic prelates and lord Castlereagh was known to few. *The first public mention of a Veto* appears to have been made by sir John Cox Hippisley, in his speech in the house of commons, in the debate, on the 13th of May 1805, on the petition of the roman-catholics of Ireland.

On that day, Mr. Grattan moved, in the house of commons, that the house should resolve itself into a committee of the whole house, to take into its consideration, the petition of the roman-catholics of Ireland. In the debate on this petition, Dr. Duigenan spoke, at considerable length, against the motion. Mr. Grattan and sir John Cox Hippisley rose, at the

same time, to reply. The latter gave way to the former; and it was not till late in the debate, that sir John had an opportunity of addressing the chair. He confined himself to the statement of a few important facts, and afterwards printed the substance of what he said, and also of what he intended to say, if an opportunity had occurred of delivering, at length, his sentiments on the subject*.

His publication contains the following passage:—

“ Much as I am disposed to favour the objects of the
 “ petition before the house, and much as my feelings
 “ are abhorrent from the penalties of the act to which
 “ I have just now adverted, (13 Eliz. c. 2), I am by
 “ no means adverse to the principle that gave birth to
 “ them. I would wish to be considered as not less
 “ jealous of a foreign interference and abuses, than
 “ our ancestors were, in the days of Edward III. and
 “ Richard II., from which period, the statutes of *pro-*
 “ *visors* and *præmunire* take their date: and, though
 “ my view of the subject, with respect to the mischief
 “ to be apprehended from the admission of a foreign
 “ primacy in spirituals, is very different from those in
 “ general, who oppose the present question, I will meet

* The title of the publication, is “ The substance of additional
 “ Observations intended to be delivered in the House of Com-
 “ mons, in the debate on the petition of the roman-catholics of
 “ Ireland, on the 13th of May 1805, with Notes, and an Appen-
 “ dix, containing Letters from Dr. Troy, titular roman-catholic
 “ archbishop of Dublin; Dr. Moylan, titular roman-catholic
 “ bishop of Cork; and Dr. Milner, F.S.A. V.A. and other
 “ documents connected with the objects of that Petition. By
 “ Sir J. C. Hippisley, LL.D. F.R.S. Recorder of Sudbury, and a
 “ Bencher of the Honourable Society of the Inner Temple.”

“ them in a wish to institute a solid and rational barrier against any possible encroachment of the see of Rome, in the place of those visionary guards, which counteract their own purposes, from their sanguinary tendency.

“ By instituting regulations to this end, we shall be countenanced by the practice of, I believe, every European state, catholic or protestant ; and the noble viscount, who conducted the arrangements at the Union, will do me the justice to recollect, that I urged the adoption of such regulations, as I would now propose, when the catholic subject was known to have occupied much of the attention of the king’s ministers, and the exemption of the Irish roman-catholics from the remaining disabilities, (as avowed by my honourable friend, then in the cabinet), was the principal object of those, who concurred with the measure of the Union*.

“ The repeal of the 13th of Eliz. ch. 2, I then stated, as necessarily enjoined by the purview of the act of the 31st of his present majesty, ch. 32 ; and in lieu thereof, I proposed the enacting, that no bull, nor other papal rescript, containing any ordinances of the see of Rome, should be circulated or published, till after it had been transmitted to one of his majesty’s secretaries of state, or some other appointed officer ; and, in certain cases also, be laid before his majesty’s privy council, if thought expedient ; to which such prelates, as were of the council, should be specially summoned. If, on due examination, those instruments contained only the

* “ Vide Mr. Windham’s Speech.”

“ ordinary faculties or regulations of internal discipline, they should be certified, without delay, by the officer appointed, as containing nothing contrary to the establishment in church or state. A regulation of this description might, with facility, be so modified, as to give perfect satisfaction to his majesty’s roman-catholic subjects, by avoiding all unnecessary and vexatious interference or delay, and, at the same time, to afford complete security to the establishment.

“ Another regulation, suggested at the same period, was, that any roman-catholic priest or schoolmaster, applying to be licensed under the act of the 31st of the king, should, in addition to the oath of allegiance therein prescribed, produce a certificate from the immediate superior, if a priest, or from some known respectable person, if a layman, attesting his good moral character, and attachment to the civil constitution of the state; which certificate should be authenticated by the nearest resident magistrate; and, in consequence of which, the license should then be granted, as in the manner now directed. As the law now stands, any priest or schoolmaster, merely on his own avowal, however notoriously bad his character may be, provided he scruple not to take the oath, may demand a license, on paying one shilling for his certificate. It is unnecessary to observe, that the law is not so loose with respect to the clergy and schoolmasters, professing the established religion, in view to those functions : testimonials and certificates are required qualifications.

“ And further, with respect to the statute of the
“ 13th of Eliz. :—by not enforcing its provisions,
“ which we are constrained to connive at, from their
“ excess of severity, we tacitly permit the circulation
“ of every sort of papal instrument, without resorting
“ to those safeguards, which other states, as I have
“ observed, have wisely instituted. Those, who are
“ apprehensive, that the rescripts of the Thuilleries
“ may be occasionally imposed upon us in the guise of
“ decretals of the Vatican, will necessarily be alive to
“ the possible abuse of a want of some rational and
“ practical restriction.

“ The restrictions, to which I allude, are in strict
“ conformity to the provident institutions of the old
“ Gallican church, ever jealous of the encroachments
“ of Rome. Her privileges depended on two pro-
“ minent maxims :—1st. That the pope had no au-
“ thority to order or interfere in any thing, in which
“ the civil rights of the kingdom were concerned :—
“ 2dly, That notwithstanding the pope’s supremacy
“ was acknowledged, in cases purely spiritual, yet, in
“ other respects, his power was limited by the decrees
“ of the ancient councils of the realm. The supreme
“ council of Provençe, in the year 1482, decreed,
“ ‘ That no letters coming from foreign jurisdictions,
“ though only in spirituals, should be executed with-
“ out the ratification of the court.’ In consequence
“ of these recognized principles, it was provided, that
“ every rescript from Rome should be presented to
“ one of the courts of parliament ; where it was ex-
“ amined, lest it should contain any thing hostile to
“ the privileges of the Gallican church, and the tem-

“poral rights of the crown. It afterwards became
“current, under a certificate, as a matter of mere
“ecclesiastical discipline.”

By this speech, the arrangement of the Veto was first brought before the public; but it mentioned it only in very general terms; little more respecting it was intimated, than that it should be formed on the model of the legislative provisions of France against papal encroachments; and that it was to supersede altogether, the sanguinary provisions, enacted, ostensibly at least, for that purpose, by queen Elizabeth and her parliaments.

XXXIX. 8.

The approbation given by the Irish prelates to Sir John Cox Hippisley's Speech, and their earnest request to him that he would print it.

IN various publications, Sir John Cox Hippisley has repeatedly stated, that he sent copies of *this substance* of his intended speech to doctor Troy, doctor Moylan, doctor Milner, and some other catholics of distinction; that doctor Troy returned his copy to sir John, with some corrections, and verbal emendations; but, without the slightest remark or observation on the passages, we have extracted from it, as suggesting the Veto; that, in his letters to sir John, doctor Troy uniformly mentioned the speech, in terms of the highest commendation; and repeatedly urged, in the strongest language, its republication for general sale;

that Mr. Clinch, the prelate's confidential friend, wrote, by his desire, a letter to sir John, to inform him, that "his speech had been very generally read, "by intelligent and prudent persons;" and that, "the wish of all those, who had read it, was, that sir John might be prevailed on to publish it, or to "allow it to be printed in Ireland;"—that doctor Milner, to whom also sir John Cox Hhippsley sent his publication, equally approved it, and equally solicited its extensive circulation: that Dr. Milner also informed sir John, that, "in Ireland, there were the highest "encomiums of his speech;" that "they waited "there for his permission to reprint it:" That he repeatedly mentions Dr. Troy's desire to have it printed; and called it an "admirable speech:"—That, in the copy, which he received from sir John, and afterwards returned to him, he made two alterations only:—That, by those, he suggested an exception to the inspection of papal bulls and rescripts, in cases of *the penitentiary, or forum internum*:—That with this, lord Castlereagh, as the reader has seen, disclaimed every kind of interference: and finally, that, in 1808, doctor Milner published four long and elaborate letters in its vindication.

Sir John Cox Hhippsley has also informed the public, that he printed one thousand copies of his speech; that they were not sold, but generally distributed; and that sixty copies of it were sent to Dr. Troy, and distributed by him.

The petition of the Irish catholics in 1805, was presented to the house of lords, by lord Grenville:

On the 10th of May, he moved for its being taken into consideration :—On a division, the numbers appeared

Contents 49

Non-contents 178

Majority against the motion 129.

On the 13th of May, a similar motion was made by Mr. Grattan in the house of commons :—On a division, the numbers appeared

For it 124

Against it 336

Majority 212.

XXXIX. 9.

The proposal of the Veto, in the House of Commons, by Mr. Ponsonby ;—and in the House of Lords, by Lord Grenville, at the suggestion of Dr. Milner, bishop of Castabala, vicar-apostolic of the Midland District, and agent of the Irish Prelates.

THE Irish roman-catholics having presented a petition to each house of parliament for the repeal of the penal laws in force against them, Mr. Grattan, on the 25th of May 1808, moved, in the house of commons, that the house should go into a committee on the petition. He introduced his motion by a speech, of equal splendor and moderation. For the first time, the Veto, and the resolutions of the Irish roman-catholic prelates, were now *formally* introduced to the notice of parliament. Mr. Grattan* explicitly called

* See the Debates on the catholic question in 1808.

the attention of the house to them. Mr. Ponsonby spoke of them, in the following terms:—"I have heard it asserted," said the right honourable gentleman, "that there has been no alteration of circumstances, since this question was last discussed in parliament. Now, I conceive that there is the greatest alteration of circumstances, that could possibly take place. The catholics have considered amongst themselves, and they determined to give to the government every information upon the subject, and to make their superior clergy subject to the crown. When a catholic bishop in Ireland dies, the other bishops in that province, in which the diocese of the deceased is situated, meet, and conferring amongst themselves, fix upon three persons, whom they think the most fit to succeed him. They send those names to receive the approbation of the pope; for, according to the catholic faith, it is impossible for certain offices to be performed but by appointment from the pope, as if by the immediate delegation of Christ himself. Now, they have agreed, when the names are returned, to send them to the lord lieutenant of Ireland; and, if he should object to all the three, they strike them out, and send other three in their stead, until the king's approbation of some one of them be received. Even then, they send that name to Rome to receive the approbation of the pope."

This part of Mr. Ponsonby's speech produced a great effect on the house. Adverting to it, Mr. Yorke declared, he was extremely anxious to understand, what Mr. Ponsonby meant by it. "I have been

“ always of opinion,” Mr. Yorke said, “ that the
“ circumstance of the authority of the see of Rome,
“ (for which the catholics of Ireland feel in a very
“ particular manner), is a very important feature in
“ their case ; for the bishops in Ireland have always
“ been appointed by the pope. Under these circum-
“ stances, I certainly wish to know, from the autho-
“ rity of that right honourable gentleman, how far this
“ is the fact. I wish to know what he meant when he
“ said, that the catholics of Ireland wished him to say
“ that his majesty should have a negative on the ap-
“ pointments of bishops in Ireland ; for I understood
“ the right honourable gentleman to say, that his
“ majesty should have a negative. I wish to know,
“ how that fact stands. I wish to have it clearly
“ stated, and to know what authority the right honour-
“ able gentleman has, to speak on that part of the
“ claim of the catholics ; and I am the more induced
“ to put these questions to him, because I do not see
“ any thing like such a statement in the petition on
“ that subject.”

Mr. Ponsonby replied : “ The right honourable
“ gentleman is perfectly right in saying that the sub-
“ ject, to which he has alluded, is not stated in the
“ petition ; but my authority is derived from several
“ of the most respectable catholics in Ireland. I have
“ had conversation with Dr. Milner, one of the ca-
“ tholic bishops in this country, appointed to act here
“ for the catholic bishops. He informed me, that
“ such is the determination ; he believes, that, if the
“ prayer of their petition be granted, they will not
“ have any objection to make the king, virtually,

“ the head of their church ; for, so I think he
 “ must become ; and that no man shall become a
 “ catholic bishop in Ireland, who has not received
 “ the approbation of his majesty ; and that, although
 “ even appointed by the pope, if disapproved of by
 “ his majesty, he shall not be allowed to act or take
 “ upon himself his spiritual functions ; and thus in
 “ succession, if his majesty choose to object to any
 “ bishop, to the third, fourth or fifth nomination, and
 “ to every one, as he shall please, until one shall be
 “ appointed that meets his majesty’s approbation, and
 “ that bishop,—and that bishop only, to receive full
 “ power.”

Mr. Yorke asked “ if the right honourable gentleman received authority to make this communication, only from Dr. Milner, or from the body of the catholics?”

Mr. Ponsonby replied, “ that he had stated that Dr. Milner did represent the catholic prelates of Ireland ; and that he had given to the house, the assurance, which Dr. Milner had given him.”

In the debate in the house of commons, in 1810, on the petition of the Irish catholics*, Mr. Ponsonby produced and read to the house, *the very note received by him from doctor Milner*, which, so far as respects the Veto, is expressed in the following terms:—
 “ Doctor Milner presents his respectful compliments
 “ to the right honourable Mr. Ponsonby, and takes
 “ the liberty of *stating distinctly in writing*, the substance of what he did say, or did intend to say, in

* Printed Debates, 1808, p. 135.

“ the conversation, which he had the honour of
“ holding with Mr. Ponsonby.

“ The catholic prelates of Ireland are willing to
“ *give a direct negative power* to his majesty’s go-
“ vernment, with respect to the nomination of their
“ titular bishoprics, in such manner, that, when they
“ have among themselves, resolved who is the fittest
“ person for the vacant see, they will transmit his
“ name to his majesty’s ministers; and, if the latter
“ should object to that name, they will transmit
“ *another and another*, until a name is presented to
“ which no objection is made;—and,—(which is never
“ likely to be the case),—should the pope refuse
“ to give those essentially necessary spiritual powers,
“ of which he is the depositary, to the person so pre-
“ sented by the catholic bishops, and so approved by
“ the government, *they will continue to propose*
“ *names, till one occurs, which is agreeable to both*
“ *parties, namely the crown, and apostolic see.*
“ It is to be observed, however, 1. That the crown
“ does not interfere with the concerns of any other
“ religious sect or church, which it does not support.
“ 2. That the nominators in this business, namely, the
“ catholic bishops, *have universally sworn allegiance*
“ *to his majesty.*—3. That they will moreover engage
“ to nominate no person, who has not taken the oath
“ in question.”

Doctor Milner then proceeds to make some obser-
vations on the clauses in the catholic oath respecting
the protestant succession,—the practice of forcing
catholic soldiers and sailors to attend divine ser-
vice in the protestant church. He then reminds

Mr. Ponsonby, that, “ he was so good as to say, that he
 “ would disclaim, in the name of the catholics of Ire-
 “ land, the civil and religious code of Thomas Paine,
 “ which they had been accused, in the newspapers at
 “ least, of teaching and holding.” He concludes in
 these words,—“ doctor Milner has not, of course, had
 “ an opportunity yet of consulting with the catholic
 “ prelates of Ireland on the important subject of the
 “ catholic presentation ; but *he has every reason to*
 “ *believe*, they will cheerfully subscribe to the plan
 “ traced out in the first page of the note.”

On the second day after this debate, lord Grenville moved the petition of the Irish roman-catholics in the house of lords. On the negotiations between the Irish roman-catholics and lord Castlereagh in 1799, lord Grenville expressed himself in the following terms. The reader will perceive, that they perfectly correspond with the account given of them by lord Castlereagh in his speech of 1810, with a full extract of which we have presented our readers.

“ Much has been said elsewhere,” (said lord Grenville), “ of the influence of their bishops ; and, in a
 “ former debate, even in this house, great stress was
 “ laid on the dangers of a catholic hierarchy. If
 “ you tolerate the catholic church, which is episcopal,
 “ you must of course allow it to have its bishops.
 “ But, it is unquestionably proper, that the crown
 “ should exercise an effectual negative over the ap-
 “ pointment of the persons, called to those functions.
 “ To this, the catholics of Ireland declare themselves
 “ perfectly willing to accede. The precise mode
 “ of giving effect to the principle, will best be

“ settled by the wisdom of parliament. It is fit
“ matter for discussion in such a committee, as I pro-
“ pose. The declaration of the catholics on this sub-
“ ject is an unquestionable proof of their solicitude to
“ meet the kindness of their fellow subjects, and to
“ accede to any practical means of removing, even
“ the most groundless jealousies. As such, I rejoice
“ that it has been made, and I see with infinite satis-
“ faction the just impression which it has universally
“ produced. To me, it is not new. I always felt
“ the propriety of providing for this point. The ex-
“ perience of other countries proved both its expe-
“ diency and its practicability. It formed a part of
“ the plans intended to be brought forward at the
“ period of the Union ; and what we then knew of
“ the sentiments of the catholics, respecting it, left no
“ doubt upon our minds that the matter might be
“ easily and satisfactorily adjusted. Provision was also
“ intended to be made for the decent and necessary
“ subsistence of the catholic clergy of that country.
“ More than that, they did not ask ; and even that,
“ they were unwilling to receive in any manner, that
“ might tend to separate their cause from that of
“ their community.”

It may not be improper in this place to subjoin, what lord Grenville said in this speech, on the nature of the spiritual supremacy of the king of England in spiritual concerns. “ We are often told,” (his lordship said), “ that catholics refuse to acknowledge the
“ same obedience to their sovereign, which he receives
“ from all his other subjects. The charge is wholly
“ groundless. They recognise, as you do, in the civil

“ government of their country, all temporal power
“ and authority. Their uniform and repeated decla-
“ rations, the pledges they have already given, the
“ oaths they have already taken, ought to satisfy
“ you fully on this head. If more security be neces-
“ sary, let it be exacted ; but let your measure apply
“ only to that, for which it professes to provide,
“ the authority of your sovereign and the security of
“ your government. The oath, as it now stands, in-
“ cludes a question of spiritual supremacy, foreign to
“ those objects. *The church of England itself does*
“ *not acknowledge any such supremacy in the crown.*
“ *The king, acting by the councils, and exercising*
“ *the powers which the laws have given him, is in-*
“ *deed in all matters, ecclesiastical or temporal,*
“ *supreme. But he is so, as a civil magistrate only.*
“ *He is not the spiritual head; he is not, if I may so*
“ *express it, the pope of the church of England.*
“ *Such a claim was indeed once maintained by the*
“ *capricious despotism of a prince, whose wildest ima-*
“ *gination it was not always safe to resist. But the*
“ *wise and virtuous men who laid, after his decease,*
“ *the true foundations of our church, admitted no*
“ *such authority in their sovereign. It exists not,*
“ *therefore, in the church of England. Of the other*
“ *established church of this united kingdom, the king*
“ *is not in any sense whatever, acknowledged as the*
“ *head. The same temporal obedience, which both*
“ *these protestant churches pay to their sovereigns,*
“ *the catholics acknowledge also. In all matters of*
“ *civil government, even of that mixed nature in which*
“ *ecclesiastical and civil jurisdictions are combined,*

“ they submit themselves, without reserve, to the
“ supreme authority of the king, in his parliament,
“ as legislator ;—in other councils, as civil governor
“ of this empire. In the spiritual head of their church,
“ they acknowledge, as all the subjects of this realm
“ formerly acknowledged, a spiritual authority con-
“ fined to questions of faith. The Reformation has
“ taught us, that for that spiritual authority there is
“ no warrant in the principles of our religion. But
“ this is a question purely of religious belief ; in no
“ degree affecting that absolute duty and undivided
“ allegiance, which our catholic fellow subjects, in
“ common with ourselves, owe and pay to the person
“ and government of their sovereign. In a committee,
“ you may place this matter in its true light, and bring
“ it to the unerring test of experience. With that
“ view, it was intended, at the period to which I have
“ so often referred, to submit to parliament, *in lieu of*
“ *the oath of supremacy, framed, as we all know, for*
“ *the purpose of exclusion*, a new form of oath, cal-
“ culated to unite, not to divide, our people. That
“ oath would have contained an explicit pledge of
“ support to the established constitution, and the most
“ express disclaimer that could be devised, of any
“ interference with his majesty’s legitimate and un-
“ doubted sovereignty. Whatever words may be most
“ effectual for this purpose, let them be adopted : pro-
“ vide the fullest security, that jealousy itself can
“ dictate, for that which we are all equally anxious to
“ defend ; and let it then be seen, whether the catho-
“ lics in Ireland are reluctant to concur in such
“ declarations.”

XXXIX. 10.

Continued adherence of the Irish Prelates, to their Resolution in 1799,—until their meeting in September 1808.

THE effect produced in favour of the catholic cause, by what was said in both houses of parliament, of the willingness of the catholic prelates of Ireland to accede to the Veto, was very great: even their most determined adversaries seemed to consider, that it had gained them their cause. This was the general language within the walls of parliament:—the first expression, which any catholic heard, from his protestant acquaintance, on the following day, was a congratulation on the turn of the debate, and the event which occasioned it.

The Irish prelates distinctly expressed to many, their approbation of what had been said on the Veto, by their parliamentary advocates; and a considerable time elapsed before the slightest murmur against it was heard.

“ The debate in the house of commons,” says sir John Hippisley*, “ took place on the 25th May 1808; and in a few days, the report of it reached Dublin. Those parliamentary friends, who had been advocates of the measure, received deliberate acknowledgments of their efforts, and thanks in the name of the roman-catholic prelacy in Ireland.

“ Till, towards the end of the following July, not

* Substance of his speech in the debate in 1808.

“ a word escaped, to lead their parliamentary friends
 “ to doubt that the same impressions continued in
 “ the minds of those, who, from their stations, must
 “ naturally have been considered as the most pro-
 “ minent to object or approve.”

Mr. Ponsonby, in his speech in the same debate, mentioned, that, “ subsequently to his having in-
 “ formed the house, on the authority of Dr. Milner,
 “ of the willingness of the Irish roman-catholic pre-
 “ lates, that the crown should have the negative
 “ powers in question in the appointment of their
 “ bishops, he, (Mr. Ponsonby), had received letters,
 “ on the subject, from two of those prelates, thank-
 “ ing him for what he was supposed to have said on
 “ the subject. One, was from an archbishop ;” he read it to the house, and it contained, (in the lan-
 guage, of the reporters of that debate), the most unqualified approbation of the arguments and obser-
 vations which had been used by Mr. Ponsonby. The other letter thanked him only in general terms*.

XXXIX. 11.

The opposition in Ireland to the Veto.

THE debates in parliament, on the petition of the Irish roman-catholics, took place in the close of the month of May 1808. Towards the close of the following month of July, *the attack upon the Veto* commenced in the public prints. It was led by a writer, who assumed the signature of *Sarsfield*; he was

* Debates on the Petition of the Roman-catholics in 1808, p. 140.

followed by *Laicus, Inimicus Veto*, and many other writers, under assumed signatures : some others published their declamations against it under real names. By them all, the true nature of the Veto was much misrepresented ; and, in consequence of their misrepresentation, much discontent at it prevailed.

XXXIX. 12.

*Doctor Milner's Advocation of the Veto, in a pamphlet intitled
" A Letter to a Parish Priest."*

IN doctor Milner, the Veto found both an able and a zealous advocate. In a pamphlet, called "*A Letter to a Parish Priest*," which, for power or solidity of argument, has been seldom equalled, he explained, with equal precision and energy, the nature of the Veto, and its accordance with the discipline of the church.

He produced in it, repeated instances, in which such a measure had been solemnly sanctioned by the see of Rome ; and he displayed, with great eloquence, the motives of religion and honour, by which the prelates were, in his opinion, called upon, to adhere to it, and the inconvenience to which the retractation of it would expose them. Lord Castlereagh's speech and this letter are the most important documents in the whole controversy respecting the Veto.

It is dated the 1st of August 1808. " I proceed,"—(we cite the prelate's words,)—" to show
" upon what grounds I rested my opinion, that the

“ Irish prelates, in the event of a friendly ministry succeeding to power, and of the emancipation being granted, would not hesitate, under the presumed sanction of his holiness, to admit of a limited power of exclusion in the executive government.

“ The first of these grounds, is the actual consent which they, (that is, the four metropolitans, and six of the most ancient bishops), speaking in the name of the whole episcopal body, have actually given to the proposed measure in their solemn deliberations, held at Dublin, on the 17th, 18th, and 19th of January 1799. In these deliberations, —having premised the justice and propriety of the interference of government in the appointment of catholic bishops, as far as is necessary to ascertain their loyalty, they resolve as follows;”

[The resolutions of 1799, are then transcribed by Dr. Milner.]

“ With respect to these resolutions, I have to observe,—1st. That they are in the hands, I believe, both of ministry and opposition, and are considered by both, as binding upon the episcopal body :—2dly. That the exclusive power itself, or the right of the Veto, is not less explicitly offered in them, than it is mentioned in my negotiations : —3dly. The necessary checks upon this Veto are not so distinctly expressed in the former as they are in the latter.”

Again,—“ In almost every uncatholic country, means are provided, and care is taken, both by those, who have a right to present, and by the holy see herself, that no person obnoxious to the sovereign shall be raised to the prelacy, within his

“ dominions. The sovereigns of *Russia* and *Prussia*,
 “ will be found to have exercised a power in this
 “ respect, which far exceeds that, which the Irish
 “ prelates have offered to his majesty ; and accord-
 “ ingly, these sovereigns have, each of them, an
 “ accredited agent at Rome, chiefly for the exercise
 “ of this power. The king himself enjoys it, with
 “ the consent of Rome, in the province of *Canada* ;
 “ the bishop of *Quebec* not being allowed so much
 “ as to choose his coadjutor, until the latter has been
 “ approved by the civil governor :—4thly. *What-*
 “ *ever outcries of the church being in danger may*
 “ *have been raised by ignorant or violent catholics,*
 “ *in Ireland, I challenge any learned divine, or*
 “ *other writer, to show, that the allowance to govern-*
 “ *ment, of an exclusive power in presenting to*
 “ *catholic prelacies, if confined to three times, and*
 “ *accompanied each time with the avowal of a well-*
 “ *grounded suspicion of the candidate's loyalty,*
 “ *contains any thing either unlawful in itself or*
 “ *dangerous to the church.*”

The learned prelate then proceeds to assign the
 grounds of his opinion, and afterwards *deprecates the*
outcry, that the rights of their church were about to
be surrendered, and the king's ecclesiastical supre-
macy over it acknowledged.

“ But, since the opinion,” (he continues), “ is
 “ founded in *the grossest error*, nothing is so easy
 “ as to dissipate it, by exposing the true state of facts
 “ in opposition to news-paper falsehoods, and by
 “ explaining, in its several parts, the true system of
 “ canonical elections.”

Dr. Milner then proceeds as follows,—“ Should

“ the prelacy recede from the resolutions, which they
“ entered into at Dublin, in 1799, I hope they will
“ be able to vindicate their proceedings and character,
“ against the numerous and able opponents of each
“ communion, who will not fail to attack them on
“ the subject, and harass them for many years to
“ come. I hope they will provide answers, and such
“ answers, as may be defended against men of talents,
“ to the following questions, which will incessantly
“ be put to them, as they have in part been already
“ frequently put to me.”

1. “ The head of the church has allowed a direct
“ interference and power in the appointment of
“ bishops, throughout the greater part of the
“ christian continent, *to a man who has apostatized*
“ *to mahometanism* ; and shall it be deemed un-
“ lawful for our monarch to interfere, in this busi-
“ ness, just so far as it is necessary to ascertain the
“ loyalty of men, who are to possess such great
“ influence over his subjects ?

2. “ The schismatical sovereign of Russia, and
“ the heretical king of Prussia, have always been
“ consulted, in the choice of catholic prelates, for the
“ vacancies, within their respective dominions ; what
“ then hinders the sovereign of the united kingdom
“ from enjoying the same privilege ? He actually
“ possesses more in his American dominions ; is that
“ unlawful here, which is lawful in Canada ?

3. “ But you have already declared, *after three*
“ *days solemn deliberation on the subject*, that such
“ interference of government, in the appointment of
“ prelates, as may enable it to be satisfied of the

“ loyalty of the person to be appointed, is just, and
 “ ought to be agreed to ; and that, therefore, the
 “ candidate elected is to be presented to government ;
 “ and that, if government has any proper objection
 “ against him, the president will convene the electors
 “ and proceed to the election of another candidate.
 “ Such were your decisions, delivered to government
 “ nine years ago, and which have remained with it
 “ ever since, to be acted upon, whenever circum-
 “ stances should permit. Do you break faith with it ?

4. “ Or, is that become false and unlawful now,
 “ which was true, and lawful, then ?

5. “ In a word, will you reject these resolutions,
 “ for the purpose of quieting the alarms of the nation,
 “ and promoting the emancipation, which you here-
 “ tofore voluntarily made, in order to obtain a
 “ provision for yourself ?”

“ Such are the objections in part,” (says Dr.
 “ Milner) “ which I am confident will be thus held
 “ out against the prelates on every side, should they
 “ retract their decisions. It is wise, sir, to anticipate
 “ mischief of every kind, in order to guard against it.
 “ *If, on the other hand, the prelates should abide*
 “ *by what they have solemnly resolved upon, they*
 “ *will have nothing more to do, than what is within*
 “ *their sphere, and what is comparatively easy to be*
 “ *done ; namely, to enlighten their people, and show*
 “ *them how grossly they have been imposed upon, as*
 “ *to facts and reasoning.*”

XXXIX. 13.

The Declaration of the Irish Prelates, that the Veto was inexpedient.—The explanation given by the Primate O'Reilly, of that Declaration.

ON the 14th of September 1808, a convention of the Irish prelates met at Dublin, and came to the following resolution :

1. “ It is the decided opinion of the roman-catholic prelates of Ireland, that it is *inexpedient* to introduce any alteration in the canonical mode hitherto observed in the nomination of the Irish roman-catholic bishops ; which mode long experience has proved to be unexceptionable, wise, and salutary.

“ That the roman-catholic prelates pledge themselves to adhere to the rules, by which they have hitherto been uniformly guided ; namely, to recommend to his holiness only such persons as are of unimpeached loyalty, and peaceable conduct.”

2. A short time after the prelates passed this resolution, the roman-catholic gentlemen of the county of Louth having addressed a letter to the most reverend Dr. O'Reilly, roman-catholic archbishop of Armagh, requesting to know his opinion of the resolution entered into by the roman-catholic bishops lately assembled at Dublin, respecting the negative, proposed to be given to the crown, in the appointment of roman-catholic bishops ; Dr. O'Reilly returned an answer, (addressed to viscount Southwell and sir

Edward Bellew, as representatives of the roman-catholics in the county of Louth), in which he says, “ *I think, and am certain, that, in forming their resolution, the prelates did not mean to decide, that the admission of a Veto, or negative on the part of the crown, with the consent of the holy see, in the election of roman-catholic bishops, would be contrary to the doctrine of the roman-catholic church, or to any practice or usage essentially and indispensably connected with the roman-catholic religion. Candour, however, and truth, oblige me to say, that the declaration, made by the bishops on the above occasion, was dictated by what I long conceived to be a well-founded apprehension, that the concession in question might eventually be attended with consequences dangerous to the roman-catholic religion : Such danger in my mind, and in the opinion of several other prelates, is of a temporary nature, resulting from existing circumstances, though many persons suppose it to arise from the nature of the measure, thus giving to the resolution of the bishops,—a meaning it does not deserve.*”

It must be added, that, some time after the Irish prelates had published their resolution, that the Veto was inexpedient, doctor Milner, their agent, also declared against it.

XXXIX. 14.

The Conciliatory Resolution of the English Catholics.

How greatly the acquiescence of the Irish prelates in the Veto, disposed the public mind in favour of catholic emancipation, has been mentioned :—As soon as their actual rejection of it was known, it was evident, that the mention of it in parliament had, in consequence of this rejection, become the most unfortunate circumstance, which had befallen the catholics, since they had been suitors for relief. It may be said, with the greatest truth, that it was a matter of triumph to all the enemies, and a matter of great concern to all the friends of catholic emancipation. Unhappily there were not wanting those, who too successfully exerted themselves, to keep alive the general irritation, which this wayward event had produced.

While the public mind was in this state, it became necessary for the English catholics to present their petition to parliament. On this occasion, all their friends judged it advisable, that something should be done by them, which might allay the ferment, which the unfortunate circumstance in question had occasioned.

For this purpose, on the 29th of January 1810, a meeting took place between lord Grey and some catholic gentlemen.

His lordship intimated his wish to them, that, “ the English catholics should annex to their petition, “ some general declaration of their willingness to give

“ any reasonable pledge, not inconsistent with their
 “ religious principles, for the loyalty of the persons,
 “ who should be appointed their bishops.” It was understood, that neither the Veto, expressed in the resolution of the Irish prelates, nor any other specific arrangement, was intended; that the whole was meant to be left at large,—two things being distinctly understood:—1st. That the arrangement should be such, as would afford reasonable satisfaction to government, for the political integrity of the person appointed; and 2dly, That it should not be inconsistent with roman-catholic faith, or roman-catholic discipline.

With this view, it was proposed, that, as a general expression of what his lordship had in view, the catholics should declare, “ that they were willing, whenever
 “ an enlarged and liberal system should be adopted in
 “ their regard, to acquiesce in any arrangement, *con-*
 “ *sistent with their religious principles and the dis-*
 “ *cipline of the roman-catholic church*, which might
 “ be deemed expedient, for securing the loyalty of
 “ the persons thereafter to be chosen to the rank or
 “ office of bishop.” On considering this proposal, it certainly appeared to all the gentlemen present, that, standing singly, it was perfectly reasonable, and wholly free from objection; but they feared, that some words in it, (those, which mentioned securing the loyalty of the elected bishop), might, too easily, be misconstrued, into a readiness, on the part of the English roman-catholics, to accede to the specific measure of the Veto, which the Irish prelates had then recently declared to be inexpedient; and might, on that account, be thought inconsistent with the general pledge, which

the English catholics had given, (and which they held most sacred), to adopt no measure, affecting the general interest of the two bodies, without the concurrence of their roman-catholic brethren in Ireland.

On the 31st of January, which was only two days after this conference took place, a deputation of catholic noblemen and gentlemen met earl Grey and lord Grenville, at the house of the former: Mr. Windham also attended this meeting. The subject was revived; and it was most distinctly agreed, that no particular reference to the Veto, or to any specific pledge, was intended; and that the only thing recommended to the English catholics, was, "such a
" general expression of their wishes of mutual satisfaction and security, as existing circumstances made
" proper, to accompany their petition." To this, there could be no reasonable objection: and it is due to the two illustrious friends of the catholics, to mention, that they felt as strongly as the catholics themselves could do, the propriety of their avoiding the slightest expression, that might commit them with the Irish catholics, on the subject of the Veto. With this impression on each side, the following resolution was framed.

" That the English roman-catholics, in soliciting
" the attention of Parliament to their petition, are
" actuated, not more by a sense of hardships and disabilities, under which they labour, than by a desire
" to secure, on the most solid foundations, the peace
" and harmony of the British empire; and to obtain
" for themselves, opportunities of manifesting, by the
" most active exertions, their zeal and interest in the

“ common cause, in which their country is engaged,
“ for the maintenance of its freedom and independ-
“ ence ; and that they are firmly persuaded, that
“ adequate provision for the maintenance of the civil
“ and religious establishment of this kingdom may be
“ made, consistently with the strictest adherence, on
“ their part, to the tenets and discipline of the roman-
“ catholic religion ; and that any arrangement founded
“ on this basis of mutual satisfaction and security, and
“ extending to them the full enjoyment of the civil
“ constitution of their country, will meet with their
“ grateful concurrence.”

At a numerous meeting of British roman-catholics, held on the following day,—(the 1st of February),—the resolution was, with the single exception of the vicar-apostolic of the midland district,—the agent of the Irish prelates, unanimously adopted.—As the forms of parliament do not admit, that any declaration should be laid before the two houses, which is not in the shape of a petition, the resolution was necessarily cast into that form, and signed by the vicars-apostolic of the London, northern and western districts, and their coadjutors, and by about two hundred of the principal roman-catholic noblemen, gentlemen and clergy.

On the 23d of the same month of February, this petition, with that, which had been signed before, by the general body of the English catholics, was presented to the house of lords by earl Grey ; and, a few days after, both petitions were presented to the house of commons by Mr. Windham.

In this single circumstance, the part which the

English roman-catholics,—or any individual of their communion, took in the Veto,—began,—with this, it ended.

The writer must add,—(and, for the truth of what he asserts, he invokes the testimony of every person, who was present at either of the meetings),—that the English catholics, on the one hand, and their two illustrious friends, on the other, were most anxious to frame the resolution in such terms, as should not be thought objectionable by the Irish, or the venerable prelates of Ireland.

The propriety of this resolution became a subject of controversy:—but it is beside the subject of these pages to enter into any detail of the disputes to which it gave rise.—We leave the language of the resolution to speak for itself:—It is a mere general expression of good humour,—of a wish that the business of catholic emancipation should, and of a belief that it might, be settled, to the satisfaction of both parties;—it neither proposes, nor even hints at any particular measure,—it leaves every thing entirely open to future discussion and arrangement.—Whatever might primarily, or intermediately, or ultimately, be proposed by government, if it contained a single iota “inconsistent with the strictest adherence to the “tenets or discipline of the roman-catholic religion,” the gentlemen, who subscribed the resolution in question, might most honourably, most conscientiously, and most consistently, refuse it:—all they would have to say, was, *Non hæc in fœdera venimus*: there is nothing in the record, which binds us to the proposal. This was perfectly understood, and has been

repeatedly declared by every person, present at the meeting.

XXXIX. 15.

Letters of Monsignor Quarantotti,—of Pius the Seventh,—and Cardinal Litta,—on the Veto.

THOUGH we altogether abstain from entering into the disputes on the Veto, the importance of the following documents makes some mention of them in this place necessary.

At the time, of which we are speaking, his holiness was in a state of captivity:—He had invested *Monsignor Quarantotti*,—since advanced to the dignity of cardinal,—with all the ecclesiastical and spiritual powers of the see of Rome, the appointment of the episcopal order alone excepted.

1. By a rescript, in the nature of a letter, addressed to the right rev. Dr. Poynter, titular bishop of Halia, and vicar-apostolic of the London district, dated the 16th of February 1814,—*Monsignor Quarantotti* notices the bill, then in agitation for the emancipation of the catholic subjects of his majesty,—being the bill that has been mentioned, and a full account of which will be given in a future chapter.—He then says, that, “ Having taken the advice of
“ the most learned prelates, and divines, having examined the letters, which had been transmitted to
“ him both by doctor Poynter and the archbishop of
“ Dublin, and the matter having been maturely discussed in a special congregation, it was decreed,
“ that the catholics might, with satisfaction and

“ gratitude, accept and embrace the bill, which was
“ the last year presented for their emancipation, in
“ the form, in which doctor Poynter had laid it
“ before him—it being understood, that the mi-
“ nisters of the catholic church were not forbidden
“ by the oath contained in it to preach, instruct,
“ and give counsel, but were only prohibited from
“ disturbing the protestant church or government
“ by violence and arms, or evil artifices of whatever
“ kind.”

2. On the return of *pope Pius the seventh* to Rome, the English catholics addressed to his holiness, a letter of congratulation, dated the 17th of June 1814. This the pope answered by a letter dated the 27th of December following.—He informs them, by it, that, “ being desirous to further the laudable
“ and earnest desire with which they were inflamed,
“ of serving their country,—not only in heart and
“ mind, but also by active service, consistently, as
“ certainly was their resolution, with the principles
“ of religion,—he had given the rescript of monsignor
“ Quarantotti, as it turned on a matter of the high-
“ est moment, to those of the congregation of his
“ venerable brethren, the cardinals, to whom mat-
“ ters of that nature were usually referred ; in order
“ to be examined by them maturely, and *ab integro* :
“ his holiness, however, entreated the English
“ catholics to be persuaded, that, in that important
“ matter, he should most willingly comply with
“ their wishes, as far as the dignity, the purity,
“ and the integrity of the catholic religion would
“ allow.”

3. It does not appear that the congregation has taken monsignor Quarantotti's rescript into consideration. But a letter has been produced from *cardinal Litta*, prefect of the college *de Propagandâ Fide*,—which congregation is particularly charged with the business of the foreign missions. It is addressed to doctor Poynter, and is dated Genoa, 26th April, 1815. His eminence informs the vicar-apostolic, that, “ his holiness will feel no hesitation in allowing those, to whom it appertains, to present to the king's ministers a list of candidates, in order, that, if any of them should be obnoxious or suspected, the government might immediately point him out, so as that he might be expunged.—Care however being taken, to leave a sufficient number for his holiness, to choose therefrom individuals, whom he might deem best qualified in the Lord for governing the vacant churches.—The examination of papal rescripts by his majesty's ministers,” his eminence says, “ cannot even be made a subject of negotiation.” He asserts, that such a permission cannot be granted ;—and that, “ where it is practised, it is an abuse, which the holy see, to prevent greater evils, is forced to bear and tolerate, but can never approve*.”

* These letters are inserted at length, in “ The Report from the Select Committee appointed to report the nature and substance of the laws and ordinances existing in foreign states, respecting the regulation of the roman-catholics in ecclesiastical matters, and their intercourse with the see of Rome, or any other foreign ecclesiastical jurisdiction ; with an Appendix. Ordered by the House of Commons to be printed, 25th June, 1816.”

4. *A letter from his holiness, to the roman-catholic archbishops and bishops in Ireland*, and a translation of it, have been printed in Ireland, by the direction of the Irish catholic board. Both the original and the translation appeared in the Catholic Gentleman's Magazine for the year 1818*.

CHAP. XL.

THE FORMATION OF THE ROMAN-CATHOLIC BOARD.

THE deposition of the protestation at the Museum, was the last act of the roman-catholic committee. Immediately after the motion for it was carried, they announced that their powers were at an end, and that they should act no longer in their collective capacity.

All roman-catholics remember with gratitude the leading part, which the late Robert Edward lord Petre, took in all the proceedings of the committee. He was actively employed in every transaction respecting the act of 1778 ; and, through the remainder of his life, dedicated all his time, his mind, and his fortune to the catholic cause. All his actions were distinguished by rectitude, openness, and dignity ; his ample fortune sunk under his beneficence. He was the centre of a numerous band of illustrious friends, eminent for their

* In the Appendix, note iii., we insert translations of all the documents mentioned in this chapter.

strong and undeviating attachment to civil and religious liberty; in the exercise of his bounty, he knew no distinction of persons; it may be truly said, that he seemed to be born to relieve the distressed, to spread happiness among his friends, and to promote and illustrate the catholic cause. His death, (though his conscientious adherence to his religious principles had excluded him from those situations, to which his birth entitled him), was generally bewailed, as a public loss.

In 1798, he met with a sensible mortification. Having, with the express leave and encouragement of government, raised, equipped, and trained, at his own expense, a corps of 250 men for his majesty's service, he petitioned that his son might be appointed to their command. His religion was objected. It was admitted, that, by accepting the command of the corps, without complying with the provisions of the test act, and the act of Geo. I. s. 20. sess. 2. ch. 13, Mr. Petre would subject himself to the penalties empowered by those acts; but it was observed, that the appointment would be good; that the penalties would not be incurred till the expiration of the sixth month, after the appointment, and that the annual act of indemnity would pass before that time, and remove the penalties. It was also suggested, that protestants and roman-catholics stood, in this respect, exactly in the same predicament; few of these, in point of fact, qualifying themselves for office, within the regular time; so that both were equally liable to the operation of the penal acts, and both equally within the relief of the act of indemnity.—Mr. Hill, his majesty's premier serjeant at law, and sir James Mansfield, afterwards his

majesty's chief justice of his court of common pleas, were decisively of this opinion; but the refusal was persisted in; another person was appointed; and Mr. Petre served under him in the ranks. Lord Petre died in July 1801.

While the writer is committing these words to paper, he is informed of the death of sir John Throckmorton, his lordship's steady and active associate, in all his exertions for catholic emancipation, and, after his lordship's decease, an active leader in that interesting cause. It was placed by both on its true ground,—on the only ground, on which an exertion for religious liberty is defensible in every point, and on all its sides:—the universal right of every person, so far as the magistrate is concerned, and civil and social duty is not affected,—to worship God according to the dictates of his own conscience. “Neither breathing, nor the use
“of common ayre,” says father Parsons in a passage, which we have already transcribed from him, “is
“more due in common to all, than ought to be the
“liberty of conscience to christian men, whereby each
“one liveth to God and himself.” Narrow this principle but a single pace, and you make the magistrate,—a man necessarily liable both to moral and religious error,—the arbiter of moral and religious dogma!

Sir John Throckmorton was extensively known, and no where known, where his probity, his beneficence, his extensive endowments and polished manners, did not obtain universal regard and reverence. Those, who differed most from him, did justice to his talents, his candour, and his consistency. Mr. Fox particularly respected him:—That great man once mentioned

to the writer, that, “ he did not know a person from
“ whom it was more unsafe to differ, than sir John
“ Throckmorton.”

Such were the two men, who, for half a century, had a principal part in directing the exertions of the English catholics for the repealing of the penal laws. None, who knew them soon forgot them :—While this page shall remain, the writer wishes it to record, *that they were his friends.*

From the dissolution of the catholic committee in 1791, till the year 1808, the British catholics had no point of union. On the 23d of May, in that year, a meeting of them, convened by public advertisement, was held ; and unanimously resolved, “ that a subscription should be collected for the general benefit
“ and advantage of the body, to be placed under the
“ controul of a certain number of noblemen and gentlemen, who should be requested to apply the same
“ according to their judgment and discretion.” A select board for this purpose was accordingly framed ; and a resolution entered into, by which, “ a hope was
“ confidently expressed, that the subscription might
“ prove the medium of forming the desired association.” On that ground, the subscription was earnestly recommended to the catholics of Great Britain for their concurrence and support.

The meeting then proceeded to an act, which pleased every catholic,—the appointment of Mr. Edward Jerningham to be their secretary.

The hope thus confidently expressed, that the subscription might prove the medium of forming an association, was happily realised.—An association of the

most respectable description, was formed, and finally organised in 1813. It was settled, that there should be a General Board, and a Standing Committee of the board ; that all the vicars-apostolic of Great Britain, should be members of the board ; that every British layman and private clergyman, subscribing a specified sum, should be members of it : and that the committee should be formed from the members of the general board, and consist of the vicars apostolic and catholic peers of Great Britain, and thirty-one other individuals.

It is needless to enter into any further detail :—both the board and the committee have discharged their duties with assiduity and moderation : no act of either appears to have given offence to the public ; and the general tenor and spirit of their conduct has been often mentioned with commendation. A list of the actual members of the board is inserted in the Appendix* : it is difficult to mention any board, in which there is more of noble or gentle lineage, or a larger proportion of antient family inheritance.

* Appendix, note iv.

CHAP. XLI.

ATTEMPTS OF THE ENGLISH CATHOLICS TO OBTAIN RELIEF, ON THE ACCESSION OF MR. FOX'S MINISTRY IN 1806:—ALLEGED OBJECTION FROM HIS MAJESTY'S CORONATION OATH.

IT is greatly to the honour of the catholics, and no slight proof of the justice of their claims, and the expediency of granting them, that they have always reckoned among their friends, the wisest and best men of the nation. At the time, to which the subject of the preceding pages led us, Mr. Pitt, Mr. Fox and Mr. Burke were, confessedly, the most distinguished political characters in the country. Agreeing in little else, these great men united in the catholic cause, and in their wishes to afford the catholics every relief, which the temper of the times would admit. Through the whole progress of the bill of 1791, Mr. Pitt's conduct towards them was most open and friendly; he watched the bill, in its different stages, with the kindest and most unwearied attention. Sometimes by energy, sometimes by conciliation, he removed the obstacles, which opposed it; and, when the differences in the catholic body afforded too good an excuse for postponing the measure indefinitely, he did all in his power to compose the feud, and prevent its injuring the general cause. On every occasion, Mr. Burke advocated the catholic claims, and Mr. Fox proclaimed

himself their patron.—We shall shortly mention, in this chapter,—I. The general hopes of relief, which the catholics entertained, upon Mr. Fox's accession to the ministry in 1806: II. The objections to catholic emancipation, which were supposed to arise from the oath, taken by the monarch, at his coronation: III. The conduct of lord Grenville's administration towards the catholics: IV. Their attempts to obtain relief in 1810, 1811, and 1812.

XLI. 1.

General hopes of Relief, entertained by the Catholics, at the time of Mr. Fox's Accession to the Ministry, in 1806.

MR. Fox's principles of civil and religious liberty are known to have been of the most enlarged kind.—On one occasion, he desired the writer of these pages to attend him, to confer with him, as he condescended to say, on catholic emancipation. He asked the writer, “ what, he thought, was the best ground, on which “ it could be advocated ? ” The writer suggested it was,—that, “ it is both unjust, and detrimental to “ the state, to deprive any portion of its subjects of “ their civil rights, on account of their religious prin- “ ciples, if these are not inconsistent with moral or “ civil duty.” “ No, sir ! ” Mr. Fox said, with great animation: “ that is not the best ground.—The best “ ground,—and the only ground, to be defended in all “ parts,—is, that *action*, not *principle*, is the object of “ law and legislation. With a person's principles no “ government has a right to interfere.”—“ Am I

“ then to understand,” said the person, with whom he was conversing, and who wished to bring the matter at once to issue, by supposing an extreme case,—“ that, in 1713,—when the houses of Brunswick and Stuart were equally balanced,—if a person published a book, in which he attempted to prove that the house of Hanover unlawfully possessed the British throne, and that all, who obeyed the prince on it, were morally criminal,—he ought not to be punished by law :” “ Government,” said Mr. Fox, “ should answer the book, but should not set its officers upon its author.” “ No,”—he continued with great animation, and rising from his seat, “ the more I think of it, the more I am convinced of the truth of my position : *action*, not *principle*, is the true object of government.” In his excellent speech for the repeal of the test, Mr. Fox adopted this principle, in its fullest extent ; and enforced and illustrated it with an admirable union of argument and eloquence.

XLI. 2.

The objection to catholic Emancipation from the Coronation Oath.

It is not, therefore, to be wondered, that the hopes of the catholics, for substantial relief, rose very high on the formation of Mr. Fox’s administration. They were soon checked by a report, actively circulated, of his majesty’s having been advised, by the late earl Rosslyn, that it was inconsistent with his coronation

oath, to repeal the laws remaining in force against the catholics.

That, for this difficulty, there is no real ground, has been fully proved by two able publications : Doctor Milner's *Case of Conscience solved; or Catholic Emancipation proved to be compatible with the Coronation Oath, in a Letter from a Casuist in the Country to his Friend in Town*, 8vo. 1806; and Mr. John Joseph Dillon's *Essay on the History and Effects of the Coronation Oath, including Observations on a Bill, recently submitted to the consideration of the Commons*, 8vo. 1807.

In fact,—all discussion of the subject may be brought, at once, to a very simple decisive issue. The coronation oath was fixed in Ireland, by the *first of William and Mary*. At this time, catholic peers had their seats, and voted in the Irish house of lords; catholic commoners were eligible to the Irish house of commons; and all civil and ecclesiastical offices in Ireland were open to catholics. Of these rights, they were deprived by the *subsequent acts of the third and fourth of William and Mary, and the first and second of queen Anne*. Now, the coronation oath can only refer to the system of law, which was in force, when the act, prescribing that oath, was passed: but, the Irish laws, the repeal of which was prayed for, were subsequent to that act: therefore,—to those, or to any similar laws, the coronation oath cannot be referred.

The prejudice, however, of the royal mind, against any extension of favour to the catholics, was very great; and was represented by many, to be unconquerable. This was remarked by Mr. Fox, to several of the

leading catholics. He admitted to them, unequivocally, the justice of their claims, and the expediency of granting them : but declared, that, in his opinion, it was impracticable for them, at that moment, to carry the question of emancipation, and therefore advised them not to bring it forward ; as the discussion of it could not possibly lead to any good, but might do them harm in future, by the ill will and irritation, which it would naturally produce on both sides. He added, at the same time, that, if they should determine to bring forward their petition, they might at all times, and in all situations, depend on his voice and influence in support of it. The candor and openness of this declaration, from one so zealously attached to their interests, and so well known for the frankness and fairness of his character, had their due weight with the gentlemen, who communicated with Mr. Fox, on the occasion, and they resolved to abide by his advice*.

XLI. 3.

The Conduct of Lord Grenville's Administration towards the Catholics.

DURING the two years, which immediately preceded the decease of Mr. Fox, his health was visibly on the decline : in August 1806, symptoms of an approaching dissolution began to appear. On Saturday, the 13th of September, he expired. That his heart was most generous, and his understanding of the highest order, is universally allowed. In the memory and gratitude of the catholics, he should ever live ; they never had a more sincere, a more ardent, or a more able friend.

* See Dodsley's Annual Register, 1806, ch. 2.

On his decease, the administration was new modelled : lord Grenville was continued first lord of the treasury ; lord Howick, afterwards earl Grey, succeeded Mr. Fox, in the foreign office, and, on lord Sidmouth's removal to the presidency of the council, lord Holland succeeded him, as lord privy seal.

The wishes of the catholics, that their case should be taken into consideration by the legislature, were now strongly expressed. This too was greatly the wish of his majesty's ministers ; but the circumstance, which has been suggested, made it too probable, that such a discussion would rather retard than advance the attainment of the object : they therefore adopted a measure, the operation of which would be of a limited kind, but essentially serve the catholics, and serve, at the same time, to a certain extent, the general body of protestant dissenters.

To understand it, the reader should observe, that, in 1778, a law passed in Ireland, to enable protestant dissenters in that country, to hold civil and military employments, without any restriction. This places them in a better situation, than protestant dissenters in this country, who can hold no place, civil or military, without taking the sacramental test within a limited time. In some respects too, the catholic in Ireland is in a better situation, than the protestant dissenter in England, as, by the act of 1793, Irish catholics, without taking the sacramental test, are admissible to any rank of the army, not above that of a colonel.

To put an end to these anomalies, lord Howick, on the 5th of March 1807, moved for leave to bring a bill

into the house, "*for enabling his Majesty to avail himself of the services of all his liege subjects, in his naval and military forces, in the manner therein mentioned.*"—The object of it was, to enable persons of every description to serve in the army and navy, without any condition, except that of taking an oath particularized in the bill.—Mr. Perceval called the attention of the house to the bill, and appeared determined to oppose it; a conversation upon it ensued; the bill, however, was read the first time, and ordered to be read again, that day se'nnight.

Afterwards, it was dropped.

The circumstances, which occasioned the change, were explained on the 26th of March in the house of lords, by lord Grenville; in the house of commons, by lord Howick.—From these, it appeared, that the intentions of the noble lords to bring the measure into parliament, had been communicated by them to his majesty; that his majesty, after some objections, gave his consent that the measure should be proposed; that authority was given to the lord lieutenant to communicate, by his secretary, to the heads of the Irish catholics, that the army and navy should be opened to them; that, at a meeting of them, Mr. Elliot, the Irish secretary was asked, whether it was intended that the act should allow the catholics to rise to all military offices, including the staff; that Mr. Elliot declined to answer that question, till he received further instructions from England; that these instructions were prepared, and authorized him to answer the question in the affirmative; that the dispatch, giving Mr. Elliot this authority, was laid before his majesty;

that it was returned, by his majesty, to his ministers, without any objection or comment ; that so returned, it was forwarded to Mr. Elliot ; that afterwards, some members of the cabinet intimated that they had not been fully aware of the extent of the measure ; that, on re-considering it, they thought the measure objectionable ; that his majesty then declared it was of a far greater magnitude than it had before appeared to him, and expressed to lord Grenville his decided objection to it ; that the ministers then endeavoured to modify the bill, so as to reconcile it to his majesty's wishes ; that they failed in this attempt, and therefore determined to drop it altogether ; that, in vindication of their character, they wished to insert, in the proceedings of the cabinet, a minute, reserving to lord Grenville and lord Howick, 1. The liberty of delivering their opinions in favour of the catholic question : 2. That, of submitting the question, or any subject connected with it, from time to time, according to circumstances, to his majesty's decision : that they were called upon to withdraw the latter reservation,—and even, to substitute in its stead, a written obligation, pledging themselves never again to bring forward the measure, which they had abandoned, nor ever more to propose any thing connected with the catholic question ; that they thought this inconsistent with their duty, which their oaths, as privy councillors bound them to perform ; that they respectfully communicated to the king, their sentiments on this subject ; and that, on the following day, they received an intimation from his majesty that he must look out for other ministers.

The language, which, in consequence of the royal scruples, respecting the coronation oath, Mr. Fox held to the roman-catholics, was held, at the time of which we are speaking, by earl Grey and lord Grenville.—The former, and lord Holland, Mr. Wyndham, and Mr. Whitbread, repeatedly expressed to the writer, their wish, that, “at that critical time, the catholics “would not provoke a parliamentary discussion of “their question;” but they uniformly declared explicitly, that, “if contrary to their recommendation, “the catholics should bring it forward, they would “give it their cordial support.” A conduct more honourable to themselves, or more kind towards the catholics, they could not have adopted.—That in advocating the cause of the catholics, they fell from power, no catholic should ever forget.

Such, was the issue of this memorable attempt to open rank and distinction, in his majesty’s armies and fleets, to his catholic subjects. It was soon followed by a dissolution of parliament, and the appointment of a new administration. Mr. Spencer Percival was appointed chancellor and under-treasurer of his majesty’s exchequer; and lord Hawkesbury, lord Castlereagh, and Mr. Canning, were appointed his majesty’s principal secretaries of state.

As the last administration had been removed from office, in consequence of their intended bill to ameliorate the condition of the catholics; and, as their successors had come into office, in consequence of their successful resistance to that bill, the passions of the multitude, always running into extremes, and always finding some appellation for stigmatizing the party

obnoxious to them, expressed their admiration of the new ministry by calling them the “No Popery” administration : and the outcry of “No Popery” pervaded every part of the kingdom. It soon increased to a serious height, and, in more than one town in England, something like the riots of 1780, began to be apprehended. Insensibly, however, the ferment subsided :—a modest address to their fellow subjects, which the English catholics extensively circulated, was supposed to have contributed, considerably, in producing this fortunate circumstance.

XLI. 4.

Attempts of the Catholics for Relief in the years 1808, 1810, and 1812.

IN 1808,—Mr. Grattan presented to the house of commons, the petition of the Irish catholics ; on the 25th of May, he moved for its being referred to a committee of the whole house. On a division, the numbers were,

For it	-	-	-	-	128
Against it	-	-	-	-	281

Majority against going into a committee - 153.

On the 27th of the same month, a similar motion was made in the house of lords : on a division, the numbers were,

Contents	-	-	-	-	74
Non-contents	-	-	-	-	161

Majority against the catholics - 87.

In 1810,—Mr. Grattan presented another petition from the Irish catholics.

On the 18th of May, he moved to refer it to a committee : on a division, the numbers were,

For it	- - - - -	109
Against it	- - - - -	213

Majority against the motion - - - 104.

On the 6th of June, lord Donoughmore made a similar motion in the house of lords ; on a division, the numbers were,

Contents	- - - - -	68
Non-contents	- - - - -	154

Majority against the motion - - - 86.

In 1812,—the claims of the Irish catholics came again before the house.

On the 21st April, lord Donoughmore moved, in the house of lords, the order of the day to take into consideration, “ the claims of the catholic body, for “ the removal of the disabilities under which they “ labour.”

On a division, the numbers were,

Contents	- - - - -	102
Non-contents	- - - - -	174

Majority against the motion - - - 72.

On the 23d of the same month, Mr. Grattan made a similar motion for a committee : on a division, the numbers were,

For it	- - - - -	215
Against it	- - - - -	300

Majority against the motion - - - 85.

As full accounts of all these debates have been printed, we insert in these pages, no extracts from any of them:—but, we beg to invite our readers to an attentive perusal of Mr. Grattan's speech, in the debate of 1808: it presents an union of argument, eloquence, imagery and philosophy, which is seldom found in any composition. Nothing can show more strongly than a comparison between Mr. Grattan and his imitators, the vast space, which is ever discernible between a man of genius, philosophy and business, and a mere artist in language. We must also request the reader's attention, to the speech of the duke of Sussex in the debate in 1812; it displays a degree of research, talent, and liberality, which reflects, on the illustrious prince, the highest honour.

Nor should we withhold their just measure of praise from the exertions of our early and long-continued friend, sir John Cox Hippisley. On several occasions he printed his speeches, separately, accompanied with much curious and instructive matter relating to the catholic question. Whatever we may think of his conduct in a subsequent period, it is certain, that, up to a certain time, few had deserved better of the catholic cause.

In the debates on the motion, of which we are now speaking, the most grateful moment to the catholics, was, when,—in the debate on the Irish petition in 1810,—the earl of Liverpool said,—“ I have heard
“ allusions, this night, to doctrines, which I do hope,
“ no man now believes the catholics to entertain :
“ nor is there any ground, that the question is op-
“ posed, on any such pretence. The explanations,

“ which have been given on this head, so far as I
“ know, are completely satisfactory; and the ques-
“ tion, as it now stands, is much more narrowed than
“ it was on any former occasion.”

CHAP. XLII.

THE BILL OF 1813.

THE defeats which the catholics had sustained in their former applications to parliament, did not dishearten them. Comparing the whole number of the members of each house of parliament, with the number that voted in that house, in the several debates, in which the catholic question was agitated, it was evident,—from their respective proportions to the respective strength of each house,—that, the votes in favour of emancipation had, generally, been on the increase. Add to this, that lord Castlereagh, who was likely to influence many important votes and interests, had declared in its favour; and that Mr. Canning also, who was at the head of a respectable portion of the friends of Mr. Pitt, was expected to patronize their cause. Some unfortunate circumstances, however, militated against them:—the disputes on the Veto,—which we shall notice in a subsequent part of

this work,—continued, and expressions had been used by individuals, of a nature to indispose a powerful quarter against the general body. That quarter, however, might be propitiated; and it was foreseen that, after proper explanations, Rome would recognize, to a certain extent, at least, the lawfulness of the Veto.

Under these circumstances, the catholics commenced their proceedings for relief, in the year 1813. We shall present the reader, I. With Mr. Butler's printed address on that occasion, to the protestants of the united empire: II. With the petition presented to both houses of parliament, by the English catholics in 1810: III. And with a succinct account of the rise and progress of the bill brought into parliament in 1813.

XLII. 1.

“ Mr. Butler's Address in 1813 to the Protestants of the United Empire.

“ In the last sessions of parliament, the house of
 “ commons came to a resolution, that ‘the house would
 “ ‘ early in the next session take into its most serious
 “ ‘ consideration the laws affecting his majesty’s ro-
 “ ‘ man-catholic subjects in Great Britain and Ireland,
 “ ‘ with a view to such final, conciliatory adjustment,
 “ ‘ as might be conducive to the peace of the united
 “ ‘ kingdom, stability of the protestant establishment,
 “ ‘ and the general satisfaction and concord of all
 “ ‘ classes of his majesty’s subjects.’

“ Encouraged by this resolution, the roman-catholics of England and Ireland intend presenting immediately separate petitions to each house of parliament, ‘ for a repeal of the penal and disabling statutes, which still remain in force against them.’ ”

“ In the mean time, they observe, with great concern and surprize, that attempts are made to prejudice the legislature against their application. Many erroneous, artful, and inflammatory publications of this tendency, have been actively and extensively circulated. The charges brought in them against the roman-catholics, are of the most serious nature. The object of this address to you, is to answer these charges, and to state to you, succinctly, the grounds of the intended application of the English roman-catholics to the legislature for relief. The greatest part of what is intended to be said in the address will apply, in a great measure, as much to the situation of the Irish and Scottish, as to the situation of the English roman-catholics : but, as the penal codes of Ireland, Scotland, and England, in respect to roman-catholics, are very different, it has been thought advisable to confine the present address to the case of the English roman-catholics only.”

1.

“ It is generally represented, in the publications, of which we complain, that the English roman-catholics *labour under no real grievances*; and that if all the remaining penal laws against them were repealed, *the number of those, who would be really*

“ benefited by the repeal, would be too insignificant
“ to make their relief an object of legislative concern.

“ But this representation is altogether erroneous—
“ the English catholics labour under many severe
“ penalties and disabilities : their whole body is af-
“ fected by them, and would be essentially benefited
“ by their removal.

“ 1st. By the 13th Charles the second, commonly
“ called the Corporation Act, their whole body is
“ excluded from offices in cities and corporations.

“ 2d. By the 25th Charles the second, commonly
“ called the Test Act, their whole body is excluded
“ from civil and military offices.

“ How injurious these acts are, both to the public
“ and to the individuals on whom they operate, ap-
“ peared in 1795 ; in which year, during the then
“ great national alarm of invasion, lord Petre, the
“ grandfather of the present lord, having, with the
“ express leave and encouragement of Government,
“ raised, equipped, and trained, at his own expense, a
“ corps of two hundred and fifty men for his majesty’s
“ service, requested that his son might be appointed
“ to the command of them. His son’s religion was
“ objected, his appointment was refused, and another
“ person was appointed to the command of the corps.
“ You cannot but feel how such a conduct tended to
“ discourage the catholics from exertions of zeal and
“ loyalty :—but, the noble family had too much real
“ love of their country to resile from her service, even
“ under these circumstances. His lordship delivered
“ over the corps, completely equipped, and completely
“ trained, into the hands of Government, and his son

“ served in the ranks. Surely you cannot think that
“ laws, which thus tend to alienate the hearts, and
“ paralyze the exertions of those who, in the hour
“ of danger, thus wished to serve their country, are
“ either just or wise.

“ 3d. By the 7th and 8th of William the third,
“ ch. 27th, roman-catholics are liable to be prevented
“ from voting at elections.

“ 4th. By the 30th Charles the second, s. 2, c. 1,
“ roman-catholic peers are prevented from filling their
“ hereditary seats in parliament.

“ 5th. By the same statute, roman-catholics are
“ prevented from sitting in the house of commons.

“ 6th. By several statutes, roman-catholics are
“ disabled from presenting to advowsons, a legal in-
“ cident of property, which the law allows even to
“ the Jew.

“ 7th. Though a considerable proportion of his
“ majesty's fleets and armies is roman-catholic, not
“ only no provision is made for the religious comforts
“ and duties of roman-catholic soldiers and sailors,
“ but, by the articles of war, they are liable to the
“ very heaviest pains and penalties for refusing to join
“ in those acts of outward conformity to the religious
“ rites of the established church, which a roman-
“ catholic considers to amount to a dereliction of his
“ faith. By the articles of war, sect. 1, a soldier
“ absenting himself from divine service and sermon,
“ is liable, for the first offence, to forfeit one shilling,
“ and for the second, and every other offence, to
“ forfeit one shilling and to be put in irons. By the
“ same articles, sect. 2. art. 5, ‘ If he shall disobey

“ ‘ any lawful command of his superior,’ (and, of
“ course, if he shall disobey any lawful commands of
“ his superior officer to attend divine service and ser-
“ mon) ‘ he shall suffer death, or such other punish-
“ ment as by a general court-martial shall be
“ awarded.’

“ In the last parliament, it was shown, that a
“ meritorious private, for refusing, (which he did in
“ the most respectful manner), to attend divine service
“ and sermon according to the rites of the established
“ church, was confined nine days, in a dungeon, on
“ bread and water.

“ The roman-catholics acknowledge with gratitude
“ the virtual suspension of these laws, in consequence
“ of the orders recently issued by his royal highness
“ the present commander in chief, and the facilities
“ which they afford for enabling the roman-catholic
“ soldiers to attend their own religious worship ; but,
“ they beg leave to observe, that these humane regu-
“ lations still want the firm sanction of law, and there-
“ fore, to a certain extent, are still precarious : and
“ are not *always* attended to.

“ 8th. In common with the rest of his majesty’s
“ subjects, the roman-catholics contribute to the reli-
“ gious establishment of the country ; they have also
“ to support their own religious functionaries ; and
“ thus have a double religious establishment to defray.
“ Of this, however, they do not complain ; but they
“ think it a serious grievance that their own religious
“ endowments are not legalized like those of the
“ protestant dissenters.

“ In hospitals, workhouses, and other public

“ institutions, the attendance of the ministers of their
“ own communion is sometimes denied to the poor of
“ the roman-catholic religion, and the children of the
“ roman-catholic poor are sometimes forced into pro-
“ testant schools under the eyes of their parents.”

2.

“ SUCH, fellow subjects, is the particular operation
“ of the principal laws still remaining in force against
“ your English catholic brethren.—The *general effect*
“ of them is, to depress every member of the body
“ below his legitimate level in society.

“ Even in the very lowest order of the community,
“ some situations conferring comfort, emolument, or
“ distinction, are open to the individuals of that class,
“ and in proportion as the several classes of society
“ rise into importance, these situations are multiplied.
“ From all of them the law excludes the English
“ catholic. This effectually places him below his
“ protestant brethren of the same class, and makes
“ the whole body, in the estimation of the community,
“ a depressed and insulated cast.

“ This the roman-catholics severely feel: but it
“ is not by its substantial effects alone that they feel
“ their depression. Several avenues of wealth are still
“ open to them,—none to honours or distinctions.
“ Thus, thousands of those possibilities, the prospect
“ and hope of which constitute a large proportion of
“ the general stock of human happiness, are peremp-
“ torily denied to the roman-catholics. No hope of
“ provision, of preferment, of honours, or dignity,

“ cheers their souls or excites their exertions. A
“ roman-catholic scarce steps into life when he is made
“ to feel that nothing, which confers them is open to
“ him ; and, however successful his career may have
“ been, it seldom happens that his success has not
“ been, on more than one occasion, either lessened or
“ retarded, by the circumstance of his having been a
“ roman-catholic.

“ Here then, our protestant countrymen are called
“ upon to place themselves in our situation ; and to
“ reflect, what their own feelings would be, if, from
“ a conscientious adherence to their religious principles,
“ they belonged to a class thus legally degraded.
“ How often would they substantially feel the effects
“ of this degradation ? How many of their hopes
“ would it destroy ? How many of their projects
“ would it ruin ? Surely a petition to the legislature
“ from any portion of his majesty’s subjects, for the
“ removal of such a woe, is entitled to the sympathy
“ and aid of every other portion of the community.”

3.

“ WE are sometimes told, that *however the repeal
“ of the laws complained of by the roman-catholics
“ would benefit them, it would confer no real benefit
“ on the state*; and that, as no alteration of law should
“ take place, unless it promotes the general welfare
“ of the state, the laws complained of should remain
“ in force.

“ But we wish to submit to the consideration of
“ our countrymen, that the whole kingdom would

“ be essentially served by the repeal of the penal laws
“ remaining in force against his majesty’s roman-
“ catholic subjects. On this head, the writer of these
“ pages requests your particular attention.

“ Two-thirds of the population in Ireland, and no
“ inconsiderable proportion of the population of Eng-
“ land, is composed of roman-catholics. It is obvious
“ that the feelings of this large proportion of the
“ community are wounded, in the highest degree, by
“ the penal and disabling laws to which they are sub-
“ ject ; and that they consider themselves highly in-
“ jured, insulted, and degraded by them. Now, must
“ it not be beneficial to the state, that this extensive
“ feeling of insult, injury, and degradation, should
“ be healed ? Do not wisdom and sound policy make
“ it the interest of the state, that every circumstance,
“ which leads this injured, insulted, and degraded,
“ but numerous portion of the community, to think
“ that any new order of things must end their injury,
“ insult, and degradation, and is, therefore, desirable,
“ —should be removed as soon as possible ? Surely
“ the removal of it must be as advantageous to the
“ state, as it will be advantageous and gratifying to
“ the persons individually benefited by it.

“ But this is not the only circumstance, which
“ would make the repeal of the penal laws a general
“ benefit to the state. Again we request you to con-
“ sider the immense number of his majesty’s roman-
“ catholic subjects, and the great proportion which it
“ bears to the rest of the community. What a pro-
“ portion of genius, of talent, of energy, of every
“ thing else, by which individuals are enabled to

“ distinguish themselves, and benefit and elevate their
 “ country, must fall to their share !—But all this, for
 “ the present, is lost to you, in consequence of the
 “ penal codes. Is the subtraction of this prodigious
 “ mass of probable genius, talent, and wisdom, from
 “ the general stock, no detriment to the state? Surely
 “ it is a national loss. Thus, while the penal code
 “ harasses the individual objects of its infliction, it
 “ contracts and paralyzes, to an amazing degree, the
 “ strength, powers and energies of the whole com-
 “ munity.”

4.

“ It is alleged, *that the roman-catholics of this*
 “ *kingdom enjoy the most full and liberal toleration;*
 “ *and that toleration is the utmost favour, to which*
 “ *any non-conformist to the religion, established by*
 “ *law, can reasonably aspire.*

“ To this, we beg leave to answer, that toleration,
 “ rightly understood, is all we ask for by our petition.
 “ But what is toleration, when the word is rightly
 “ understood? If, after a government has adopted
 “ a particular religion, decreed its mode of worship
 “ to be observed in its churches, and provided for its
 “ functionaries, from the funds of the state, it leaves
 “ the non-conformist in complete possession of all his
 “ civil rights and liberties, the non-conformist enjoys
 “ a full and complete toleration. But,—whenever
 “ the government of a country represses other forms
 “ of religion, by subjecting those, who profess them,
 “ to any deprivation or abridgment of civil right or

“ liberty, toleration is at an end, and persecution
“ begins.

“ This is too plain a position to admit of contradic-
“ tion : the only question, therefore, is,—Whether
“ the pains and penalties, to which the roman-catholics
“ are still subject by the laws in force against them,
“ deprive them of any civil right or liberty ?

“ To meet this question fully, I shall consider how
“ far the corporation act, which excludes us from cor-
“ porations, and the test act, which excludes us from
“ civil and military offices, can be justly said to de-
“ prive us of a civil right. I prefer placing the ques-
“ tion on these acts, because, by their own confession,
“ it is the strongest hold of our adversaries, and be-
“ cause, in the discussion of that question, thus pro-
“ pounded, I shall advocate the cause of the protestant
“ dissenters as much as our own.

“ Our common adversaries contend, that the
“ exclusion of non-conformists by the test and corpo-
“ ration acts, from honourable and lucrative offices,
“ is not a punishment, and therefore is not intolerance.

“ But, before the enactment of those statutes,
“ were not all the subjects of this realm equally eli-
“ gible, by the common law of the land, to every
“ honourable and every lucrative office, which the
“ state could confer ? Is not eligibility to office a civil
“ right ? Does it not, therefore, necessarily follow,
“ that every statute, which deprived non-conformists
“ of their right or eligibility to office, deprived them
“ of a civil right, and was therefore penal ? If roman-
“ catholics had been in possession of these offices, and
“ deprived of them in consequence of their adherence

“ to their religion by the statutes in question some
“ persons might have contended for the wisdom of
“ the statutes; none could have contended that they
“ were not highly penal. But, whatever difference
“ there may be in the *degree* of penal infliction, there
“ is none in the *penal quality* of those statutes, which
“ deprive persons of offices, and those, which deprive
“ them of their prior legal eligibility to them. The
“ right of possessing an office, the right of succeeding
“ to it, and the right of eligibility to it, are equally
“ civil rights. There is no difference in this respect
“ between offices and landed property—the right to
“ possess an estate, to succeed to it, and to acquire it,
“ are equally civil rights. The justice or policy of
“ these laws is not now under our consideration—the
“ simple question before us is, Whether eligibility to
“ offices and election into corporations, were not, by
“ the common law, the civil right of every English-
“ man, and whether his being deprived of it was not a
“ penal infliction? It is impossible to deny it. This
“ infliction reaches every description of non-confor-
“ mists to the established church:—their religion,
“ therefore, is not tolerated—it is persecuted. On the
“ policy, the justice, or degree of that persecution,
“ there may be a difference of opinion; but that, in
“ some degree at least, it is a persecution, it is impos-
“ sible to deny. Thus we seem to arrive at this
“ unquestionable conclusion, that, in point of fact,
“ all non-conformists are persecuted. The difference
“ between roman-catholics and other non-conformists,
“ is, that roman-catholics are subject to pains and
“ disabilities which do not affect any other description

“ of non-conformists. The roman-catholics, therefore,
 “ are the most persecuted of all.

“ Here then we close with our adversaries; we
 “ seek not to interfere with the established church,
 “ with her hierarchy, with her endowments, with her
 “ tithes, with any thing else that contributes to her
 “ honour, her comfort, or her security. Give us but
 “ toleration in the true sense of that much abused
 “ word, and we claim no more. By the oath pre-
 “ scribed to the roman-catholics of Ireland, by the
 “ 33d of his present majesty, the roman-catholic
 “ swears—‘ That he will defend to the utmost of his
 “ ‘ power, the settlement and arrangement of property
 “ ‘ in that country, as established by the laws now in
 “ ‘ being; and he thereby disclaims, disavows, and
 “ ‘ solemnly abjures any intention to subvert the
 “ ‘ present church establishment, for the purpose of
 “ ‘ substituting a catholic establishment in its stead;
 “ ‘ and he solemnly swears, that he will not exercise
 “ ‘ any privilege, to which he is or may be entitled, to
 “ ‘ disturb and weaken the protestant religion, and
 “ ‘ protestant government in that kingdom.’ ”

5.

“ BUT it is suggested, that *though it should be con-*
 “ *ceded, that all other non-conformists to the church*
 “ *of England ought to be admitted to a free and*
 “ *complete toleration, the roman-catholics should be*
 “ *excluded from it, on account of their acknowledg-*
 “ *ment of the supremacy of the pope.*

“ This admits of a very easy answer. The roman-

“ catholics certainly acknowledge the spiritual supremacy of the pope ; but they deny his temporal authority. They acknowledge no right, either in the pope, or in any council, to interfere in any manner in temporal concerns, or to interfere by any mode of temporal power, in concerns of a spiritual nature. By the oath prescribed to the English roman-catholics, by the 31st of his present majesty, we swear, that ‘ we do not believe that the pope of Rome, or any other foreign prince, prelate, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within the realm.’

“ The Irish and Scottish roman-catholic subjects or his majesty take a similar oath. The answers given by the foreign universities to the questions proposed to them by the direction of Mr. Pitt, the doctrines laid down in all our catechisms, and other standard books of authority, express the same belief. In the oath taken by the Irish roman-catholics, they swear, that ‘ it is not an article of the catholic faith, and that they are not thereby bound to believe or profess, that the pope is infallible ; or that they are bound to obey any order, in its own nature immoral, though the pope or any ecclesiastical power should issue or direct such an order ; but that, on the contrary, they hold it sinful in them to pay any regard to such an order.’

“ It is said, that the popes, on several occasions, have claimed and exercised the right of temporal power. We acknowledge it, and we lament it. But

“ the fact is of little consequence ; no roman-catholic
 “ now believes, that either pope or council, or both pope
 “ and council acting together, have, or ought to have,
 “ any right to interfere by any form or mode, either
 “ of temporal or spiritual power, in civil concerns ;
 “ or to interfere by any form or mode of temporal
 “ power, in spiritual concerns. This the Irish, Scot-
 “ tish, and English roman-catholics have sworn, and
 “ they act up to their oaths.”

6.

“ I PROCEED to another charge :—*It is asserted*
 “ *to be a tenet of our faith, or, at least, a received*
 “ *opinion among us, that the pope or the church has*
 “ *a right to absolve subjects from their allegiance*
 “ *to their sovereign.*

“ But this doctrine has been most solemnly
 “ abjured by us, in the oaths which we have taken to
 “ government. It is disclaimed by the opinions of
 “ the foreign universities : and pope Pius the sixth
 “ proscribed it, by his rescript of the 17th of June
 “ 1791.”

7.

“ THE same may be said of the *charge brought*
 “ *against us, of holding it lawful to kill any sove-*
 “ *reign, or any private person under excommuni-*
 “ *cation.* This doctrine is also disclaimed by us, in
 “ our oaths, as ‘ unchristian and impious ;’ it is dis-
 “ claimed in terms, equally strong, in the answers of

“ the foreign universities; and pope Pius the sixth,
 “ in his rescript of 1791, solemnly declares such a
 “ murder ‘ to be a horrid and detestable crime.’ ”

8.

“ THE same answer may also be given to the charge,
 “ of its being a *tenet of our church, that it is lawful*
 “ *to break faith with heretics.* In our oaths we dis-
 “ claim that doctrine also, ‘ as impious and unchris-
 “ tian ;’ and the terms, in which it is disclaimed in
 “ the answers of the foreign universities, are equally
 “ strong. But, without entering farther on the sub-
 “ ject of this charge, we make this solemn appeal
 “ upon it, to the feelings and common sense of every
 “ reader of these pages :—Does not the single cir-
 “ cumstance of our being, after the lapse of two hun-
 “ dred years, petitioners to parliament for the repeal
 “ of the penal and disabling laws, to which we are
 “ subject, in consequence of our not taking oaths, the
 “ taking of which would, at once, have delivered us
 “ from all these penalties, and disabilities, prove,
 “ beyond all exception and argument, that we do not
 “ believe the existence of any power which can dis-
 “ pense with the obligation of an oath ?

“ On this head, I beg leave to add my own tes-
 “ timony :—Having, in almost every stage of life,
 “ lived in habits of acquaintance or intimacy with all
 “ descriptions of roman-catholics ; the young, the old,
 “ the literate, the illiterate, foreigners and natives,
 “ ecclesiastic and secular, I never knew one who did

“ not hear the charge in question with indignation,
 “ and treat it is an execrable calumny.

“ But it is said, that the council of Lateran assumed
 “ a right to temporal power, and that the council of
 “ Constance authorized the violation of the safe-
 “ conduct granted to John Huss. Both those facts
 “ are positively denied by the roman-catholics. (See
 “ the late doctor Hay’s *Answer to William Abernethy*
 “ *Drummond; Edin.* 1778). This is not a place
 “ for discussing the point—but, what does it signify?
 “ —If the council of Lateran claimed for the pope, or
 “ itself, a right to temporal power, it did wrong; if
 “ the council of Constance authorized the violation of
 “ the safe conduct, it did infamously:—and there’s
 “ an end of it.”

9.

“ HAVING had frequent occasion to mention in these
 “ pages *the answers of the foreign universities to*
 “ *certain questions, proposed to them by the direction*
 “ *of Mr. Pitt*, the reader will probably wish to be
 “ better informed of the circumstances attending the
 “ transaction.”

These having been already fully detailed, and the questions and answers being inserted, at length, in the Appendix, we omit, in this place, what is said, respecting them, in the Address.

“ But,”—continues the address, “ it should be
 “ added, that the foreign universities not only dis-
 “ claim, in their opinions, the noxious tenets imputed
 “ to them, but also assert, most explicitly, that they
 “ never were the tenets of the roman-catholic church.”

10.

“ It is also objected to the roman-catholics, that it
“ is an article of their faith, or, at least, that they
“ consider it to be lawful, to persecute heretics for
“ their religious opinions. All this the roman-catho-
“ lics most explicitly deny, and they consider it to be
“ completely denied in the solemn disclaimers made
“ by them in all their oaths, of the direct or indirect
“ right of the pope or the church to temporal power ;
“ as, without temporal power, persecution cannot
“ subsist.

“ They admit, that many persons of their commu-
“ nion, both ecclesiastic and secular, have, at different
“ times, been guilty of the crime of religious perse-
“ cution ; but they blame the conduct of those per-
“ sons as severely, as it is blamed by their protestant
“ brethren.

“ They also plead a tremendous set-off. The
“ massacre of Paris, on St. Bartholomew's day, was
“ most horrid : but it had been preceded by the atro-
“ cities, full as horrid, of the anabaptist protestants at
“ Munster. To the burnings in the reign of queen
“ Mary the roman-catholics oppose the executions of
“ priests in the reigns of queen Elizabeth, and the
“ three first princes of the house of Stuart : they
“ apprehend, that more cannot be said against the
“ revocation of the edict of Nantes, than against the
“ deprivation of two thousand presbyterian ministers
“ of their livings, by the act of uniformity. They
“ also bring into account Oates's plot ; the sentence

“ of death passed on Servetus for errors against the
 “ Trinity, through the influence of Calvin, his exe-
 “ cution, and the justification of it by two of the
 “ principal pillars of the reformed church, Melancthon
 “ and Beza. Between those enormities it is not easy
 “ to strike a balance. But the roman-catholics may
 “ justly ask, by what principle of justice, or by what
 “ fair course of reasoning, the protestant is authorized
 “ to ascribe the instances of persecution, which he
 “ proves on roman-catholics, to a principle of the
 “ roman-catholic creed, unless he allows at the same
 “ time, that the instances of persecution, which the
 “ catholic proves in the protestant church, are equally
 “ attributable to some principle of the protestant
 “ creed. ‘ Brother, brother,—(say two known cha-
 “ racters on the stage),—we have both been in the
 “ wrong.’—Let us learn wisdom from them; let us
 “ no more upbraid one another with our common
 “ failings; let us forget and forgive, bury all past
 “ animosities in oblivion, shake hands, and be friends.
 “ This is the only rational mode of closing this—by
 “ far the most disgusting and disgraceful,—of all our
 “ controversies.”

11.

“ ANOTHER charge is brought against us by our
 “ adversaries, in consequence of the *doctrines im-*
 “ *puted to us respecting sacerdotal absolution.* We
 “ are said to believe that the mere absolution of a
 “ priest, without any thing on our part, is a full
 “ remission of sin. In answer to this we shall only

“ transcribe the following passage from the book of
“ prayers for the use of catholics serving in fleets and
“ armies :—‘ You know, from the catechism you
“ ‘ have learnt, and the books of catholic instruction
“ ‘ you have read, that the absolution of a priest can
“ ‘ be of no benefit to you, unless you be duly dis-
“ ‘ posed to a reconciliation with your offended God
“ ‘ by true faith, by a sincere sorrow for all your
“ ‘ sins, by a firm resolution never to commit them
“ ‘ again, and by a willingness to satisfy God and
“ ‘ your neighbour also, as far as justice requires.
“ ‘ Without those dispositions on your part, the act
“ ‘ of the priest would not be ratified in heaven ;
“ ‘ you would be guilty of the profanation of the
“ ‘ sacrament of penance, and provoke the indig-
“ ‘ nation of the Almighty, instead of obtaining his
“ ‘ mercy.’

“ It is not a little remarkable, that a canon of the
“ English church, in 1608, enjoining the priest not to
“ make known to any one what had been revealed to
“ him, bears such a similitude to the roman-catholic
“ doctrine on this head, that when it was produced
“ by sir John Cox Hippisley in the house of com-
“ mons, Mr. Wilberforce interrupted him, by saying,
“ that it was a canon, not of the English but the
“ romish church, and expressed his astonishment
“ when sir John showed it to be one of the most
“ recent canons, which had been formed for the
“ government of the established church.”

12.

“ ONE of the objections most strongly urged against
 “ the roman-catholics, is *the tenet imputed to them,*
 “ *that none are saved out of their communion.*

“ I beg leave not to enter into a discussion of this
 “ objection, as it cannot be urged to us—by a *pro-*
 “ *testant of the established church of England,* as the
 “ Athanasian creed forms a part of her liturgy ;—or,
 “ by a *protestant of the established church of Scot-*
 “ *land,* as the protestants of that church, in their
 “ professions of faith of 1568, say, that ‘ out of the
 “ ‘ church there is neither life nor everlasting hap-
 “ ‘ piness ;’—or, by a *protestant of the French*
 “ *Huguenot church,* as in their catechism, on the
 “ tenth article of the creed, they profess, that ‘ out
 “ ‘ of the church there is nothing but death and
 “ ‘ damnation *.’ ”

* “ Roman-catholics hold, 1st. That whatever be the religious
 “ belief of the parents of a person, who is baptized, and, whatever
 “ be the faith of the person, who baptizes him, he becomes, in the
 “ instant of his baptism, a member of the holy catholic church,
 “ mentioned in the Apostles creed :—2dly, That he receives, on
 “ his baptism, justifying grace and justifying faith :—3dly, That
 “ he loses the former, by the commission of any mortal sin :—
 “ 4thly, That he loses the latter, by the commission of a mortal
 “ sin against faith, but does not lose it by the commission of a
 “ mortal sin of any other kind :—5thly, That, without such wil-
 “ ful ignorance, or wilful error, as amounts to a crime, in the eye
 “ of God, a mortal sin against faith is never committed :—and,
 “ 6thly, That, except in an extreme case, no individual is justified
 “ in imputing, even in his own mind, this criminal ignorance or
 “ criminal error to any other individual.

13.

“ THIS leads us to observe, that *passages are often*
 “ *cited from the works of roman-catholic writers,*
 “ *which express that the roman-catholic religion has*
 “ *always been the same; and that those, who say*
 “ *that the modern roman-catholics differ in one iota*
 “ *from their predecessors, either deceive themselves,*
 “ *or wish to deceive others.* These passages have been
 “ cited to prove, that, whatever doctrine any pope,
 “ or ecclesiastical body, or any writer of approved
 “ authority, has maintained or sanctioned in former
 “ times, is universally approved of by the modern ca-
 “ tholics. But, this is a very unjust perversion of the
 “ meaning of the writers, from whose writings these
 “ passages, or passages of a similar import, are cited.
 “ Not one of them approves of any act of temporal
 “ power, which the pope or any body of churchmen
 “ have ever claimed in right of their spiritual charac-
 “ ter. In the cited passages, the writers mean to
 “ assert no more, than that the faith and essential dis-
 “ cipline of roman-catholics have always been what they
 “ now are. But they admit that the resort of the popes;

“ I extract these propositions from “ *Charity and Truth,*” a
 “ work of the greatest authority among roman-catholics, and
 “ recently republished, under the sanction of the venerable pre-
 “ lates of the roman-catholic church in Ireland.

“ Such then, being the tenets of the roman-catholic church, on
 “ this important point, may it not be confidently asked,—if they
 “ are not conformable to the gospel? and, if a greater confor-
 “ mity, in this respect, to the doctrine of the sacred volume, is
 “ to be found in the tenets of any other church?”

“ or of any other ecclesiastics to temporal power, for
 “ effecting the object of their spiritual commission, was
 “ not only no part of the faith or essential discipline
 “ of the church, but was diametrically opposite to its
 “ faith and discipline. The passages, therefore, to
 “ which we allude, can never be brought to prove the
 “ position for which they are quoted. To urge them
 “ for such a purpose, is evidently a gross perversion
 “ of their meaning*.”

* *No doctrines should be ascribed to the Catholics, as a body, except such as are articles of their faith.* On this important position, the writer thus expresses himself in his *Essay on the discipline of the church of Rome, respecting the general perusal of the Scriptures in the vulgar tongue by the Laity*.—Inserted in the author’s “*Confessions of Faith*,” p. 141, and vol. iv. of his works, p. 191.

“ In addition to the excellent rules for controversy, laid down by Dr. Hey, I beg leave to suggest the particular observance of the following rule in all religious controversies with roman-catholics :—“ *That no doctrines should be ascribed to them, as a body, except such as are articles of their faith.*”—Of the many misconceptions of their tenets, of which the roman-catholics complain, they feel none more than those, which proceed from the want of observance of this rule. It is most true, that the roman-catholics believe the doctrines of their church to be unchangeable: and that it is a tenet of their creed, that what their faith ever has been, such it was from the beginning, such it now is, and such it ever will be, But this they confine to the articles of their faith; and they consider no doctrine to be of faith, unless it have been delivered by divine revelation, and been propounded, as such, by the church. This the roman-catholics wish their adversaries never to forget.

“ When any of their adversaries find, in any catholic writer a position, which he thinks reprehensible, he should inquire, whether it be an article of catholic faith, or an opinion of the

14.

“ I SHALL only notice one further objection :—

“ *The supposed immensity of the distance, between*

“ *the creed of the established, and the creed of the*

writer. In the latter case, he should reflect, that the general body of the catholics is not responsible for it, and should therefore abstain from charging it upon the body.

“ If he take the higher ground, he should first endeavour to ascertain, that it is an article of the roman-catholic faith.—But here, again, he should carefully examine, whether it be the principle itself, which he means to impute to the catholics, or a consequence which he deduces from it. These are widely different, and should never be confounded. If it be the principle, he should then inquire, whether it have ever been propounded to them, as an article of faith, by the church. A wise method of ascertaining this, would be, to read the “ *Catechism of the Council of Trent.*” A proper perusal, however, of that work, requires attentive study : if he be unable to give it such a perusal, let him read Bossuet’s “ *Exposition of Faith ;*” and consult, (if not the work itself), at least the abridgment of Mr. Gotther’s “ *Papist Misrepresented and Represented :*” let him also read Dr. Challoner’s “ *Three Short Summaries of Catholic Faith and Doctrine,*” prefixed to his “ *Garden of the Soul,*” the most popular prayer-book of the English catholics. Having read these, let him ascertain, whether the doctrine, with which he charges the catholics, be, in terms or substance, stated in any of them, to be an article of their faith. If he conceive that it is stated, in any of them, to be such, let him insert, in his publication, the passage, in which he professes to discover it, mentioning explicitly the work, the edition of it, and the page in which it is to be found. Should the passage be found, in terms, or substance, in any of the works I have mentioned, then it will be incumbent on the catholics, either to show that the writer, in whose work the passage is found, was mistaken, (which from the acknowledged character of all the works I have mentioned, will

“ *roman-catholic church ; from which, it is inferred,*
 “ *that there always must be a spirit of religious dis-*
 “ *cord, and never a communion of civil rights between*
 “ *the members of them.*—To this, the experience of
 “ mankind gives a clear answer,—if you remove per-
 “ secution, you remove discord. If you do not com-
 “ pel a person to enter your church, he will shake
 “ hands with you at the door of it : and many years
 “ will not pass away before you will meet in the better
 “ church.

“ But, is the difference between the churches really
 “ as great as it is generally thought ?—The divine
 “ precept, that we should love our neighbour as our-
 “ selves, is equally recognized by protestants and
 “ roman-catholics. They are equally willing to have
 “ their conduct, on every occasion of life, tried by
 “ that golden rule. What further can *government*
 “ require, on the moral code of her subjects ?

“ In respect to their religious code,—All christians

not, I think, ever happen), or to admit, that it is an article of their faith ; and then the roman-catholics will be justly chargeable with it. Whatever other opinions can be adduced, though they be the opinions of their most respectable writers, though they be the opinions of the fathers of their church, still they are but matters of opinion, and a catholic may disbelieve them, without ceasing to be a catholic. Would it not be both a fair and a short way of ending the controversy between the protestants and catholics, that every person who charges the general body of catholics with any religious tenet, should be obliged to cite from the catechism of the council of Trent, or from one or other of the works I have mentioned, of Bossuet, Mr. Gother, or Dr. Challoner, the passage in which such tenet is contained, and propounded as an article of faith ?

“ agree, 1st. that there is one God ; 2dly, that he
 “ is a Being of infinite perfection ; 3dly, that he
 “ directs all things, by his providence ; 4thly, that it
 “ is our duty to love God, with all our hearts ; 5thly,
 “ that it is our duty to repent of our sins ; 6thly,
 “ that God pardons the truly penitent ; 7thly, that
 “ there is a future state of rewards and punishments,
 “ where all mankind shall be judged according to their
 “ works ; 8thly, that God sent his son into the world,
 “ to be its Saviour, the author of eternal salvation to
 “ all that obey him ; 9thly, that he is the true Messiah ;
 “ 10thly, that he worked miracles, suffered, died and
 “ rose again, as is related in the four gospels ; and
 “ 11thly, that he will, hereafter, make a second ap-
 “ pearance on the earth, raise all mankind from the
 “ dead, judge the world in righteousness, bestow eter-
 “ nal life on the virtuous, and punish the workers of
 “ iniquity.

“ In the belief of these articles, all christians, roman-
 “ catholics, lutherans, calvinists, arminians, and soci-
 “ nians, are agreed. In addition to these articles, each
 “ division and subdivision of christians has its own
 “ tenets. Now, let each settle among its own mem-
 “ bers, what are the articles of belief, peculiar to them,
 “ which, in their cool, deliberate judgment, they con-
 “ sider as absolutely necessary that a person *should*
 “ believe to be a member of the church of Christ ;
 “ let these articles be divested of all foreign matter,
 “ and *expressed* in perspicuous, exact, and unequivocal
 “ terms ; and above all, let each distinction of chris-
 “ tians earnestly wish to find an agreement between
 “ themselves and their fellow christians :—the result

“ of a discussion, conducted on this plan, would most
 “ assuredly be, to convince all christians, that the
 “ essential articles of religious credence, in which there
 “ is a real difference amongst christians, are not very
 “ numerous; and that, if the reunion of christians be
 “ no more than a golden dream, the possible approxi-
 “ mation to it is nearer, than is generally supposed.

“ And, after all, is the reunion of the roman-catho-
 “ lic and protestant churches, *absolutely* impossible?—
 “ Bossuet, the glory of the roman-catholic church, and
 “ her ablest champion, thought it was not.—Towards
 “ the end of the 17th century, the emperor Leopold,
 “ and several princes in Germany, conceived a pro-
 “ ject of reuniting the roman-catholic and Lutheran
 “ churches. In consequence of it, a correspondence
 “ took place between Bossuet, on the part of the
 “ roman-catholics, and Molanus and Leibniz, on the
 “ part of the Lutherans. Molanus, was director of
 “ the protestant churches and consistories of Hanover;
 “ Leibniz, was a member of the Aulic council. In
 “ the exact sciences, he was inferior to Newton alone;
 “ in metaphysics, he had no superior; in general
 “ learning, he had scarcely a rival; in the theological
 “ disputes of the times, he was singularly conversant.
 “ The correspondence between these great men, on the
 “ subject of the reunion, may be seen, in the *Œuvres*
 “ *Posthumes de Bossuet*, vol. I.; *Nouvelle Edition*
 “ *des Œuvres de Bossuet*, vol. XI.; *Leibnizii Opera*,
 “ *studio Lud. Dutens*, vols. I. & V.; and the
 “ *Pensées de Leibniz*, 2 vols. 8vo. Every word of
 “ the correspondence deserves the perusal, both of the
 “ scholar and the divine. A short view of it is given,

“ in the *Account of the life and writings of Bossuet*,
 “ recently published by the writer of these pages. It
 “ continued during ten years:—I shall transcribe from
 “ it, the two following passages, from the letters writ-
 “ ten by Bossuet to Leibniz. ‘ The council of Trent,’
 “ he says, in one of them, ‘ is our stay ; but we shall
 “ ‘ not use it, to prejudice our cause. We shall deal,
 “ ‘ more fairly, with our opponents. We shall make
 “ ‘ the council serve for a statement and explanation
 “ ‘ of our doctrines. Thus, we shall come to an
 “ ‘ explanation on those points, in which either of us
 “ ‘ imputes to the other, what he does not believe, and,
 “ ‘ on which we dispute, only because we misconceive
 “ ‘ each other. This may lead us far : *for, Molanus*
 “ ‘ *has actually conciliated the points, so essential,*
 “ ‘ *of justification and the eucharist. Nothing is*
 “ ‘ *wanting to him, on that side, but, that he should*
 “ ‘ *be avowed. Why should we not hope, to con-*
 “ ‘ *clude, in the same manner, disputes less difficult,*
 “ ‘ *and of less importance?*’ The letter, from which
 “ the passage is extracted, was written in an early
 “ stage of the controversy : what might not be hoped
 “ from such a spirit of good sense and conciliation !—
 “ The letter, from which the following passage is ex-
 “ tracted, was written in the tenth year of the corres-
 “ pondence : and I feel, that every reader of these
 “ pages will lament, with me, that it is the last letter,
 “ in the correspondence. ‘ Among the divines of
 “ ‘ the confession of Augsburg,’ says Bossuet, ‘ I
 “ ‘ always placed M. Molanus, in the first rank, as
 “ ‘ a man, whose learning, candour and modera-
 “ ‘ tion, made him one of the persons, the most

“ ‘capable I have ever known, of advancing the
 “ ‘NOBLE PROJECT OF REUNION. In a letter, which
 “ ‘I wrote to him, some years ago, by the count
 “ ‘Balati, I assured him that, *if he could obtain the*
 “ ‘*general consent of his party, to what he calls his*
 “ ‘*Cogitationes Privatae, I promised myself, that by*
 “ ‘*joining to them, the remarks, which I sent to him,*
 “ ‘*on the Confession of Augsburgh, and the other*
 “ ‘*symbolic works of the protestants, the work of the*
 “ ‘*reunion would be perfected, in all its most difficult*
 “ ‘*and most essential parts; so that well disposed*
 “ ‘*persons might, in a short time, bring it to a*
 “ ‘*conclusion**.’”

15.

“ SUCH, then, being the charges brought against
 “ the roman-catholics by their adversaries, and such
 “ being the defence made by the roman-catholics to
 “ them, will not every candid protestant admit, that
 “ the unfavourable opinion, which some still entertain
 “ of the civil and religious principles of roman-
 “ catholics, is owing, in a great measure, to pre-
 “ judice?

“ But we have the satisfaction to find, that *the*
 “ *prejudice against us decreases rapidly.* With the
 “ mildness and good sense, which distinguishes his
 “ respectable character, the earl of Liverpool thus
 “ expressed himself, in his speech in the debate of
 “ the house of lords, on the petition presented by
 “ the Irish catholics in 1810.—‘*I have heard allu-*

* See the writer's Historical and Literary Account of the Formularies, Confessions of Faith, and Symbolic Books of the Roman-catholic, Greek, and principal protestant churches, octavo.

“ ‘ sions made this night, to doctrines, which I do
 “ ‘ hope no man now believes the catholics to enter-
 “ ‘ tain : nor is there any ground for an opinion
 “ ‘ that the question is opposed under any such pre-
 “ ‘ tence. The explanations which have been given
 “ ‘ on this head, so far as I know, are completely
 “ ‘ satisfactory, and the question as it now stands, is
 “ ‘ much more narrowed than it was on a former
 “ ‘ discussion.’—[See his lordship’s Speech, printed
 “ ‘ and published by Keating and Booker.] How
 “ ‘ very little beyond this declaration, and a legislative
 “ ‘ enactment in consequence of it, do the roman-
 “ ‘ catholics solicit !

CHARLES BUTLER.”

Lincoln’s-Inn,
 Feb. 5, 1813.

LXII. 2.

The Petitions presented by the English Catholics to both Houses of Parliament.

DURING the period, which is the subject of the preceding chapter, the English catholics presented several petitions for relief ; but, from deference to the Irish catholics, whose vast superiority in number was justly thought to give them an unquestionable right to take the lead in the question of emancipation, the English catholics uniformly avoided a separate discussion of their own case. Care, however, was always taken, that, when their petitions were presented, some personage of high consideration in the house, should explain the situation of the English catholics to the house, and attract the attention of

the members to it. By earl Grey and Mr. Elliot, this was repeatedly done, with equal propriety, elegance, and effect.

The petition presented by them in 1810, being expressed much more at length, than any other of their petitions, and containing every thing suggested in them, we shall insert it, in this place.

Petition of the roman-catholics of England, presented to the house of lords, on Thursday February 22d, 1810, by the right honourable earl Grey; and to the house of commons by the right honourable William Windham.

“ To the right honourable the lords spiritual
 “ and temporal of the united kingdom of
 “ Great Britain and Ireland in parliament
 “ assembled :

“ WE, whose names are underwritten, roman-catholics of England, humbly beg leave to represent to your honourable house,

“ That, at the time of his majesty's accession to the throne, the laws in force, against his English roman-catholic subjects, deprived them of most of the rights of Englishmen, and of several of the common rights of mankind :

“ That, by the acts of the 18th and 31st years of his majesty's reign, several of the penalties and disabilities, under which the English roman-catholics laboured, were removed :

“ That the English roman-catholics are most grateful for the relief granted them by these acts,

“ and have taken and subscribed the oaths and
“ declarations contained in them :

“ That their conduct hath been conformable to
“ their professions ;—in peaceable submission to the
“ laws, and in the discharge of moral or civil duty,
“ they have not been exceeded by any of his majesty’s
“ subjects; they have served him effectively and ho-
“ nourably in his fleets and armies : there never has
“ been a call upon Englishmen to do their duty, which
“ the English roman-catholics have not been forward
“ to answer :

“ That several penal and disabling laws are yet in
“ force against them :—They are not equally entitled,
“ with their fellow subjects, to vote at the election of
“ any member of the house of commons ; they are
“ excluded from a seat in either house of parliament ;
“ they are not admissible into corporations ; every
“ civil and military office is denied them ; every
“ laudable object of ambition, all that elevates a man
“ among his fellow subjects, all hopes of public dis-
“ tinction, all means of attracting the notice of their
“ country, or the favour of their sovereign, are placed
“ without their reach :

“ The more they deserve of their country, the
“ more sensibly their country makes them feel this
“ exclusion. In the ranks, she suffers them to fight
“ her battles, but to them, victory is without its re-
“ ward ; promotion is wholly denied them ; no services
“ can advance, no merit enable them to profit of their
“ country’s favour :

“ Even in their humble situation of private soldiers,
“ the law follows them with pains and penalties. By

“ the articles of war, if soldiers refuse to attend the
“ religious worship of the established church, they are
“ punishable by fine, imprisonment, and death. Thus
“ the English catholic soldiers are incessantly ex-
“ posed to the cruel alternative of either making a
“ sacrifice of their religion, or incurring the extreme
“ of legal punishment; than which, your petitioners
“ humbly conceive, there never has been, and cannot
“ be a more direct religious persecution. To an
“ alternative, equally oppressive, the English roman-
“ catholics are exposed on their marriages; the law
“ requires, for the legal validity of a marriage in
“ England, that it should be celebrated in a parish
“ church; as roman-catholics believe marriage to be
“ a sacrament, the English roman-catholics naturally
“ feel great repugnance to a celebration of their
“ marriages in other churches than their own :

“ They are cruelly debarred from any means
“ which their fellow subjects possess, of providing for
“ their families, by employments of honour or emolu-
“ ment; so that, while they bear their full share of
“ the general contribution to the wants of the state,
“ they are denied even a hope of participating in those
“ advantages, by which the burden of their fellow
“ subjects is alleviated :

“ In other occurrences of life, the law has the
“ same humiliating and depressing operation on your
“ petitioners :—thus, every roman-catholic subject of
“ his majesty, is forced below his fair line in society,
“ and the general body is a marked and insulated
“ cast.

“ Yet the roman-catholics form more than one

“ fourth of the whole mass of the subjects of the
“ united empire—whatever there is of genius, of
“ talent, or of energy among them, is absolutely
“ lost for public use ; and this, at a time, when the
“ united empire is engaged in a conflict, formidable
“ beyond example ; and it therefore seems impor-
“ tant, if not essential to her preservation, that she
“ should call into action, without qualification or
“ limit, or any religious test or declaration, the genius,
“ talents, and energies of all her subjects :

“ It is true, that your petitioners profess some
“ religious principles, which are not professed by
“ the established church ; and to this, and to this
“ only, their refusal of certain tests, oaths, and decla-
“ rations is owing, which subjects them to the pains
“ and disabilities they complain of ; but none of the
“ principles, which occasion their refusal, affects
“ their moral, civil or political integrity ; and your
“ petitioners humbly submit to your honourable
“ house, that no principle, which leaves moral and
“ political integrity unimpaired, is a proper object
“ of religious persecution. Besides,—the whole
“ creed of your lordships petitioners was once the
“ creed of the three kingdoms—it is the actual
“ creed of four-fifths of Ireland, and of much the
“ greater part of Europe. It was the creed of
“ those, who founded British liberty at Runymeade,
“ who conquered at Cressy, Poitiers, and Agin-
“ court :—Among those, who repelled and annih-
“ lated the Spanish Armada, none bore a nobler
“ part than those, by whom this creed was professed.
“ In all these achievements, in every other scene, in
“ which the ancient valour, or ancient wisdom of this

“ country has been displayed, the ancestors of several
 “ of your petitioners have been distinguished. Their
 “ creed did not lessen their zeal for their king and
 “ country—it does not lessen that of their descendants.

“ Every disloyal or immoral principle, which
 “ malice or credulity has imputed to them, your peti-
 “ tioners have solemnly and repeatedly disclaimed ;
 “ they believe there does not now exist an honourable
 “ man, who imputes these principles to them : they
 “ have sworn to be faithful, and bear true allegiance
 “ to his majesty, and have acted up to their pro-
 “ fessions ; they most confidently appeal to this right
 “ honourable house, and to the whole empire, whether
 “ in loyalty to his majesty, attachment to the con-
 “ stitution, or zeal for their country’s good, they are
 “ not equal, and are not universally known and
 “ acknowledged to be equal, to his majesty’s other
 “ subjects :—

“ Therefore,—conscious of the truth of these
 “ representations, and with the most perfect reliance
 “ on the wisdom and justice of your honourable
 “ house,

“ Your lordships petitioners humbly pray for a
 “ total repeal of every test, oath, declaration, or pro-
 “ vision, which has the effect of subjecting them to
 “ any penalty or disability whatsoever, on account
 “ of their religious principles.”

Signed,

William Gibson, vicar-apost.

John Douglas, vicar-apost.

John Milner, vicar-apost.

Peter Collingridge, vicar-
 apost.

Clifford,

William Gerard, bart.

Edward Hales, bart.

Henry Englefield, bart.

Thomas Vavasour, bart.

William Pointer, coadjutor.	John Throckmorton, bart.
Thomas Smith, coadjutor.	Edward Blount, bart.
Shrewsbury,	Windsor Hunloke, bart.
Newburgh,	Carnaby Haggerstone, bart.
Fauconberg,	Richard Bedingfield, bart.
Stourton,	Thomas Stanley, bart.
Petre,	Thomas Gage, bart.
Arundell,	John Lawson, bart.
Dormer,	Pierce Mostyn, bart.

And upwards of eight thousand gentlemen and others, including near three hundred clergymen.

The presenting of this petition in the house of commons, was one of the last services, which Mr. Windham rendered to the catholic cause. A few hours before he died, he wrote to the secretary of the British catholic board, a letter in which he expressed a warm wish for the success of the measure ; but intimated, in terms, not then understood, but soon too clear, that he feared he should never again have the pleasure of advocating it. From the patronage of such men, any cause must derive honour.—The writer, therefore, has singular pleasure, in transcribing for the perusal of the reader, the speech made by Mr. Windham, when he presented the catholic petition.

“ I have a petition to present, into the merits of which it is not now my intention to go : it respects a body of people, who labour under oppressions of peculiar severity ; I mean the roman-catholics of England.

“ I admit the right of states to impose religious restrictions upon the people, but that right should be only exercised, when called for by an imperious and over-ruling necessity. It is obvious, no such

“ necessity exists for the restrictions upon the roman-
“ catholics of England, as they ask for nothing but
“ that which both church and state must deem it
“ necessary to grant, and which justice must confirm.
“ Who can pretend to have any fear of the roman-
“ catholics, or to dread a disclosure of their power,
“ by which their virtues must also be revealed ?

“ I will assert, then, if their power prove con-
“ siderable, their inclinations are in a proportionate
“ degree favourable to the interests of the country ;
“ if their character be unknown, if they be obscure—
“ it is because they are deemed unworthy of our con-
“ sideration, and are branded with our neglect.
“ When I speak of their obscurity, I do not mean,
“ that they are destitute of hereditary virtues and
“ hereditary dignity—that they are not a part of that
“ class which ought to be denominated “ *Ultimi Ro-*
“ *manorum.*”—I cannot contemplate a more noble
“ and affecting spectacle, than an ancient roman-
“ catholic gentleman in the midst of his people,
“ exercising the virtues of beneficence, humanity, and
“ hospitality.—If they are obscure, it is because they
“ are proscribed as aliens to the state ; because they
“ are shut out from this assembly, where many of
“ those, who are far less worthy, are allowed to sit.
“ Have they ever tried those vile arts which are exer-
“ cised so successfully by those many to creep into
“ pension and place ? Have they ever attempted to
“ obtain their rights either by clamour or by ser-
“ vility ? On the contrary, their conduct has proved
“ that no other body is more justly entitled to respect
“ and admiration.

“ I wish the petition to lie upon the table, that
 “ the contents may sink deep into the minds of this
 “ house, and I hope that the consideration will bring
 “ a final success to the cause of virtue and of truth. It
 “ is impossible that we can for ever bear the sight of
 “ our own injustice. Rectitude must ultimately
 “ prevail, and I presume that the object of this
 “ petition will be granted without a struggle.”

XLII. 3.

The Bill for the Relief of his Majesty's Catholic Subjects.

ON the 22d of June 1812, Mr. Canning moved a resolution, that “ the house would, early in the next
 “ session of Parliament, take into its most serious
 “ consideration, the state of the laws affecting his
 “ majesty's roman-catholic subjects, in Great Britain
 “ and Ireland, with a view to such a final and con-
 “ ciliatory adjustment, as might be conducive to the
 “ peace and strength of the united kingdom ; to the
 “ stability of the protestant establishment ; and to the
 “ general satisfaction and concord of all classes of his
 “ majesty's subjects.”

He introduced his motion, by an excellent speech, in which, with the force and eloquence habitual to him, he established three positions : 1. That all citizens of the same state, living under the same government, are entitled, *primâ facie*, to equal political rights and privileges : 2. That it is, at all times, desirable, to create and maintain the most perfect identity of interest and feeling among all the members of the same community : 3. That, where there exists in any com-

munity, a great permanent cause of political discontent, which agitates the minds of men, without having any tendency to subside of itself, it becomes the duty of the supreme power in the state, to determine, in what mode it may, most advantageously, be set at rest. An interesting debate ensued; lord Castlereagh made a liberal declaration in favour of the proposed inquiry respecting the catholics. On a division, Mr. Canning's motion was carried by the decisive majority of 235 votes to 106.

In the house of lords, the marquis Wellesley, on the 1st of the following July, made a motion, similar to that of Mr. Canning. The previous question was moved upon it, by the lord chancellor, and there being 126 votes for it, and 125 against it, the chancellor's motion was carried by a majority of one.

Under these auspicious circumstances, the memorable campaign, of 1813, for catholic emancipation, began. It was opened on the 25th of February, by Mr. Grattan's motion, "that the house will resolve
" itself into a committee of the whole house, to take
" into its most serious consideration the state of the
" laws affecting the roman-catholic subjects in Great
" Britain and Ireland, with a view to such a final and
" conciliatory adjustment, as may be conducive to the
" peace and strength of the united kingdom, to the
" stability of the protestant establishment, and to the
" general satisfaction and concord of all classes of his
" majesty's subjects." After a debate of four days, a division took place upon Mr. Grattan's motion: it was carried by a majority of 40; there being 264 votes for it, and 224 against it.

This point being gained, though by a hard contest, Mr. Grattan, on March 9th, moved the order of the day for a committee of the whole house on the catholic question. When this was formed, he rose ; and after some preliminary observations, said, that he intended to propose resolutions : 1st, That the catholic disabilities should be removed : and 2dly, that the establishments in church and state ought to be effectually secured : and afterwards, to propose regulations for the ecclesiastical courts, and other matters, and an oath against foreign influence. He concluded with moving, —“ That, with a view to such an adjustment as may
“ be conducive to the peace and strength of the united
“ kingdom, to the security of the established church,
“ and to the ultimate concord of all classes of his
“ majesty’s subjects, it is highly advisable to provide
“ for the removal of the civil and military disqualifi-
“ cations under which his majesty’s roman-catholic
“ subjects now labour, with such exceptions, and under
“ such regulations, as may be found necessary for pre-
“ serving unalterably the protestant succession to the
“ crown, according to the act for the further limitation
“ of the crown, and better securing the rights and
“ liberties of the subject, and for maintaining inviolate
“ the protestant episcopal church of England and Ire-
“ land, and the doctrine, discipline, and government
“ thereof ; and the church of Scotland, and the doc-
“ trine, worship, discipline and government thereof,
“ as the same are respectively by law established.”

The right hon. Charles Abbot, (the speaker) then rose to take the earliest opportunity of entering his warning protest against the course hitherto pursued,

and also against the measure now proposed. He said, three plans had been proposed relative to the object in question. The first was for unlimited, and unconditional concession, as urged by the Irish roman-catholics in their petition ; but this had found few advocates in the house, and had been abandoned by the right honourable mover of the question, as well as by his eloquent supporter, Mr. Plunkett.—The second was, for qualified concessions with some legislative control over the roman-catholic clergy ; which was apparently that of the mover, and undoubtedly that of Mr. Canning : but this was resisted by the roman-catholics themselves, who call it persecution, and inadmissible control. This plan is also acknowledged to involve a repeal of the corporation and test acts. The third, that of lord Castlereagh, was for bringing the roman-catholics within the reach of political power, with safety to the protestant establishment, by obtaining the concurrence of the head of the roman-catholic church to such arrangements as shall be satisfactory to both parties. This, however, is admitted, at the present time, to be wholly impracticable. Having stated these plans, the right honourable member proceeded to object to the measure now proposed. It began, he said, with a sweeping repeal of all known securities, upon the faith of other securities as yet unknown. Some of the suggested securities he then considered, and objected to ; and he spoke of the ill consequences that might result from a bill framed upon such grounds, even in lying over to another session, by exaggerating the hopes of the roman-catholics, and dissatisfying the established church. He did not wish, however, that

matters should remain on the present footing, and there were certain important changes to which he could agree. The first of these, was the admission of roman-catholic military officers to a larger share of the honours of their profession, which he would extend to all ranks of command, except the very highest at home. He would likewise give the roman-catholic soldier a legal right to his own religious worship in England as well as in Ireland; he would take away the necessity of English roman-catholics marrying in protestant churches; and would give full protection to catholic worship from disturbance. He then adverted to some other matters of regulation; and concluded with saying, that he must give his decisive negative to the sweeping principles of the proposition now laid before them.

Several other members then gave their opinions on the subject, which were rather anticipations of their future conduct than called for. On a division of the house, there appeared, for the resolution, 186, against it, 119; so that it was carried by a majority of 67.

On Tuesday, April the 27th, sir John Cox Hippisley gave notice, that it was his intention to move, on the 11th of May following, for a select committee, to examine and report upon the laws in force against the roman-catholics; on the state and number of their clergy; on their intercourse with the see of Rome, and on the appointment of their bishops.

On Friday, April the 30th, Mr. Grattan presented to the house, his bill, "to provide for the removal of
" the civil and military disabilities, under which his
" majesty's roman-catholic subjects now labour;"—

and moved, that it should be then read, for the first time, and printed. This was agreed to unanimously.

Mr. Canning said, that, “there was nothing in the bill, to which he did not most cordially agree. At the same time, there were some provisions,—not in it,—which he was desirous to introduce, not indeed conflicting with it, but carrying its spirit and principle still farther;—clauses to this effect, he wished to introduce, and to have them printed with the bill.”

Sir John Cox Hippisley gave notice, that he should insist, on his committee;—and, to the infinite surprise and concern of every friend of catholic emancipation, intimated, that, “he hoped to lay before the committee, such documents, as would compel the majority of the members, to postpone the measure, at least, for the present sessions.”

Tunc periere longi tempora servitii.

TACITUS.

Mr. Grattan then moved, that the bill should be read, a second time, on the 11th of May. The motion was carried, and both the bill and Mr. Canning’s clauses were ordered to be printed.

The bill recited, that, “the protestant succession to the crown was, by the act for the further limitation of the crown, and the better securing the liberties of the people, established permanently and inviolably:

“That, the protestant episcopal church of England and Ireland, and the doctrine, discipline, and government thereof, and likewise the protestant

“ church of Scotland, and the doctrine, discipline,
“ and government thereof, were established perma-
“ nently and inviolably :

“ That it would promote the interest of the same,
“ and strengthen our free constitution, of which they
“ are the essential part, if the civil and military dis-
“ qualifications, under which his majesty’s roman-
“ catholic subjects now labour, were removed :

“ And that, after due consideration of the peti-
“ tions of the said roman-catholics, it appeared highly
“ advisable to communicate to them, the blessings of
“ our free form of Government : and, with that view,
“ to put an end to all religious jealousies between his
“ majesty’s subjects, and to bury in oblivion all ani-
“ mosities between England and Ireland, so that the
“ advantage of the respective countries might be
“ bound together in all time to come, by the same
“ privileges, and the same interest, in defence of their
“ common liberties and government, against all the
“ enemies of the British empire.”

The act then authorised roman-catholics, to sit and vote, in either house of parliament, upon taking the oath prescribed by the act, instead of the oaths of allegiance, abjuration, and supremacy, and instead of making and subscribing the declaration against transubstantiation, and the declaration against the invocation of saints, now required of them. The oath was chiefly formed from the oaths in the acts, passed for the relief of the catholics in 1791, and 1793.

The bill then provided, that it should be lawful for catholics to hold all civil and military offices, and all places of trust and profit, except the office of lord high

chancellor, lord keeper, or lord commissioners of the great seal of Great Britain, or lord lieutenant, or lord deputy, or other chief governor of Ireland, upon making and subscribing the foregoing declaration and oath, instead of the oath and declaration against transubstantiation, and the declaration against the invocation of saints, or taking the sacrament of our Lord's Supper.

It also enabled catholics to be members of any lay body corporate ; and to hold any civil office or place of trust and profit in it, upon taking and subscribing the declaration and oath required by the act, instead of the oaths and declarations now required, or taking the sacrament.

But the act excluded them from all offices and places in the churches of the united kingdom of England and Ireland, or Scotland, or in the courts of ecclesiastical judicature within the realm, or belonging to any cathedral, collegiate, or ecclesiastical foundation, or to any of the universities, or to Eton, Westminster, or Winchester, or to any college or school of ecclesiastical or royal foundation ; and from presenting to ecclesiastical benefices.

It also provided, that it should not be lawful for catholics to advise the crown, in the appointment or disposal of any ecclesiastical office or preferment.

Persons exercising any of the spiritual duties or functions, exercised by catholics in holy orders, were required to take an oath, by which they swore not to consent to the appointment or consecration of any roman-catholic bishop or vicar-apostolic, whom they should not deem to be of unimpeachable loyalty, and

peaceable conduct, and not to hold any correspondence with the pope or see of Rome, or its courts or tribunals, tending, directly or indirectly, to overthrow or disturb the protestant government, or the protestant church, or on any matter not merely spiritual.

No persons, born out of the united kingdom, or its dominions, except persons born of British or Irish parents, and no persons, who had not resided within the same, during the term therein mentioned, were to exercise episcopal functions, under the penalty therein mentioned; and were rendered liable to be sent out of the kingdom.

Such was the bill for the relief of his majesty's catholic subjects, which was brought into parliament by Mr. Grattan.

We have seen that, on the first mention of it, in the house, an intention was expressed of appending certain clauses to it, which should operate as further guards to the church and state, against any attempts that might be made by the catholics to disturb them. The necessity of these, Mr. Grattan and his friends uniformly denied.

On the 11th of May, sir John C. Hippisley made his promised motion for a committee.—So far the conduct of the baronet was consistent, that on every former occasion, on which the catholic claims had been agitated, in the house, he had avowed his intention of proceeding by a select committee: but, on all these occasions, the disposition of the house in respect to the measure was such, as made all its friends favourable, and all its opposers hostile to the appointment of such a committee. It was, now, directly the

reverse ; every friend of catholic emancipation, considering a committee to be the most effectual mode that could be devised, to injure the catholic cause. The baronet prefaced his motion by a long speech, replete with curious and interesting matter. Mr. Grattan moved the order of the day. A debate of considerable length ensued :

On a division, the votes appeared,

For sir John Cox Hippisley's motion 187

For Mr. Grattan's amendment 235

So that sir John Cox Hippisley lost his motion by forty-eight votes : every member, who opposed catholic emancipation voted with him ; lord Castlereagh and Mr. Canning voted against him.

All, who recollected sir John's former services to the catholics, were grieved to see him in the camp of the enemy :—It is even yet hoped, that, it will not be long, before he quits the Volsci, and returns to his Roman friends.

In a few days, after this division, two sets of clauses, suggested by Mr. Canning, were printed.

The first, appointed a certain number of commissioners, who were to profess the catholic religion, and to be lay peers of Great Britain or Scotland, possessing a freehold estate of one thousand pounds a year ; to be filled up from time to time by his majesty, his heirs or successors. The commissioners were to take an oath, for the faithful discharge of their office, and the observance of secrecy, in all matters, not thereby required to be disclosed, with power to appoint a secretary with a salary, (proposed to be five hundred pounds a year), payable out of the

consolidated fund. The secretary was to take an oath similar to that of the commissioners.

It was then provided, that every person elected to the discharge of roman-catholic episcopal functions in Great Britain or Scotland, should, previously to the discharge of his office, notify his then election to the secretary; that the secretary should notify it to the commissioners, and they, to the privy council,—with a certificate,—“ that, they did not “ know or believe any thing of the person nominated, “ which tended to impeach his loyalty or peaceable “ conduct ;”—unless they had knowledge of the contrary, in which case, they should refuse their certificate. Persons, obtaining such a certificate, were rendered capable of exercising episcopal functions within the united kingdom ;—if they exercised them without a certificate, they were to be considered guilty of a misdemeanor, and liable to be sent out of the kingdom.

Similar provisions respecting Ireland, were then introduced.

The second set of clauses, provided, that the commissioners under the preceding clauses,—with the addition,—as to Great Britain, of the lord chancellor, or lord keeper, or first commissioner of the great seal for the time being, and of one of his majesty's principal secretaries of state, being a protestant, or such other protestant member of his majesty's privy council, as his majesty should appoint ;—and with a similar addition in respect to Ireland ;—and with the further addition, as to great Great Britain, of the person then exercising episcopal functions among the catholics in

London,—and, in respect to Ireland, of the titular roman-catholic archbishops of Armagh and Dublin—should be commissioners for the purposes thereafter mentioned.

The commissioners, thus appointed, were to take an oath for the discharge of their office, and observance of secrecy, similar to the former ; and employ the same secretary ; and three of them were to form a quorum.

The bill then provided, that, subjects of his majesty, receiving any bull, dispensation or other instrument, from the see of Rome, or any person in foreign parts, acting under the authority of that see, should, within six weeks, send a copy of it, signed with his name, to the secretary of the commissioners ;—who should transmit the same to them :—

But, with a proviso, that, if the person receiving the same, should deliver to the secretary of the commission, within the time before prescribed, a writing under his hand, certifying the fact of his having received such a bull, dispensation, or other instrument, and accompanying his certificate with an oath, declaring, that “ it related, wholly and exclusively, “ to spiritual concerns, and that, it did not contain “ or refer to any matter or thing, which did or “ could, directly or indirectly, affect or interfere “ with the duty and allegiance, which he owed to “ his majesty’s sacred person and government, or “ with the temporal, civil, or social rights, properties, or duties of any other of his majesty’s “ subjects,”—then, the commissioners were, in their discretion, to receive such certificate and oath, in

lieu of the copy of the bull, dispensation, or other instrument.

Persons conforming to these provisions, were to be exempted from all pains and penalties, to which they would be liable, under the existing statutes,—otherwise, they were to be deemed guilty of a high misdemeanor; and, in lieu of the pains and penalties, under the former statutes, be liable to be sent out of the kingdom.

The third set of clauses provided, that, within a time, to be specified, the commissioners were to meet and appoint their secretary, and give notice of it to his majesty's principal secretaries of state in Great Britain and Ireland; and the provisions of the act were to be in force from that time.

The bill being in this state, Mr. Grattan, on the 13th of May, moved the second reading of it; lord Castlereagh spoke in this debate at great length; and then, for the first time, mentioned the outline of the clauses, afterwards proposed in consequence of his suggestion. Through the whole of this interesting transaction, his lordship displayed an openness and energy, which those, who witnessed them, will never forget:—they attracted the praise of his greatest political adversaries. Mr. Canning rendered the catholics a thousand essential services; the powers, which he displayed, in exterminating sir John C. Hippisley's unkind attempt to obtain a committee, have been seldom equalled.

The question was brought to issue, by doctor Duignan:—He moved,—that “the bill might be

“ read that day three months.” A division took place ; the numbers were,

For Dr. Duigenan’s motion - 203

Against it - 245

So that the majority against Dr. Duigenan’s motion, was, forty-two.

The bill was then read a second time.

On Wednesday, the 19th of May, the house, on the motion of Mr. Grattan, resolved itself into a committee to “ consider further of the catholic relief “ bill.”

Mr. Canning brought up some new clauses :—he observed, that, “ in them, he had endeavoured to “ combine and meet the views of most of those, with “ whom he had had communication, on that most “ important subject ; and that he had been particu- “ larly anxious to avail himself of the suggestions of “ lord Castlereagh, and that he hoped he had been “ successful.”

The clauses were passed, as having been read, the first time, and ordered to be printed.

It is understood, that, between the division on the motion for the second reading of the bill, and the motion for a committee, an interview had taken place, at Mr. Ponsonby’s house, between lord Castlereagh, and the principal advocates of the bill ; that his lordship, at this interview, specified, particularly, the nature of the clauses, which he had in contemplation ;—and that they were committed to writing by sir Arthur Piggot.

In other respects the bill was altered ; a copy of

it, with these alterations, is inserted in *Hansard's Parliamentary Debates*, vol. XXVI. p. 271.

On Monday, the 24th of May, the house was called over, according to order: after which, it resolved itself into a committee of the whole house to consider of the bill.

The speaker,—having left the chair,—moved, that the words in the first clause “to sit and vote in either “house of parliament, should be left out of the bill.” The clause was read, and the question was put upon it.

After a long debate, the question was called for. On a division, the numbers were,

For the clause 247

Against it 251

Thus the majority against the clause, was four.

Upon the numbers being declared, Mr. Ponsonby said, that,—“as the bill, without the clause, was “neither worthy of the acceptance of the catholics, “nor of the further support of the friends of concession,—he would move that the chairman should “then leave the chair.”

This motion was carried without a division, and the bill was, of course, given up.

Thus, after a long and memorable contest, the house finally resolved against catholic emancipation. The small majority, by which the resolution was carried, was some consolation to the discomfited. They also had the satisfaction to perceive, that several of the arguments, by which their claims had been resisted, in former debates, were now abandoned; that, by the confession of all, the question was considerably

narrowed ; that, it was reduced to the single point, whether, without safeguards, catholic emancipation was consistent with the permanent security of the protestant establishment, or could, with reasonable safeguards, be rendered consistent with it. This consistency being assumed, catholic emancipation had scarcely an opposing voice.

It should be added, that the arrangements suggested by the clauses, inserted in the bill, were not viewed, either by lord Castlereagh or Mr. Canning, in the light of an ultimatum. They considered them merely as a *projet*, to serve for the basis of future discussion. More honourable or more kind intentions towards the catholic body, no ministerial, no opposition member, ever entertained. However indisposed in his regard, in other respects, no member of parliament, who attended the debates, imputed sinister views on the subject to either.

CHAP. XLIII.

ACT PASSED IN 1817 FOR REGULATING THE ADMINISTRATION OF OATHS IN CERTAIN CASES TO OFFICERS IN HIS MAJESTY'S LAND AND SEA SERVICE.

IN a former part of this work, it has been mentioned that the 25th of Charles the second, commonly called the *Test Act*, enjoins all officers, civil and military, to take the oath and declaration against transubstantiation, and to take the sacrament of our Lord's Supper, within

six months after their appointment : and that by *the 1st of George the first*, and subsequent acts, all persons holding offices civil or military, are enjoined to take the oath of supremacy, within the like period of six months.

It is observable, that neither of these acts authorises the tendering of these oaths to any person, before he enters into office, to qualify him to hold it.

The very small number of those, who comply with the requisitions of these acts, gave rise to *the Annual Act of Indemnity*, which provides, that persons, who, before the passing of the act, have omitted to qualify, in the manner prescribed by those acts, and who shall properly qualify before the 25th of the ensuing December, shall be indemnified against all penalties and disabilities ; and that their elections, and all the acts done by them, shall be good.

This act contains nothing, which excludes roman-catholics from the benefit of its provisions.

Upon this act, it was concluded that catholics were virtually eligible to civil and military offices, as much as his majesty's protestant subjects. It was admitted, that, by accepting the offices, they were equally subject, with protestants, to the penalties of not qualifying for them : but, it was contended, that their appointments to such offices would be good ; and that, like his majesty's protestant subjects, they would be relieved against the penalties, by the annual Act of Indemnity.

This certainly was the opinion of sir James Mansfield, and Mr. Serjeant Hill ;—when, in 1796, lord Petre, the grandfather of the present lord, raised and equipped, at his own expense, a body of 250 men,

and requested the command of them for his son,—his request was refused, and Mr. Petre served in the ranks.

In addition to the acts we have mentioned, the act of *the 1st of William and Mary* provided, that “all persons, who should be put into employment, as a commission officer, or non-commission or warrant officer, by sea or land, should, before the delivery of such commission, or warrant, take the oaths of allegiance or supremacy;” and the persons mentioned in the act, were authorised to tender them.

All these acts were repealed, *to a certain extent*, in favour of the Irish catholics, by *the act of 1793*: but, by a strange inconsistency, the Irish were subject to them, in all places, within their operation, except Ireland. For their relief, in that respect, an act was passed, about three years ago, on the motion of the late duke of Norfolk.

The act of the “17th of his majesty, for regulating the administration of oaths, in certain cases, to officers in his majesty’s land and sea forces,” authorises the delivery of commissions and warrants to officers, in the army or navy, without requiring them, before their commissions or warrants are delivered to them, to take the oaths, or subscribe the declarations in question. This act, however, does not dispense with their obligation of taking or subscribing them, subsequently to their appointments: but, from the consequences of this omission, they are relieved by the annual acts of indemnity.

Thus, his majesty may now appoint a catholic to any office in the land or sea service, and his commission or warrant may now be delivered to him, without

previously requiring him to take the oaths, or subscribe the declarations, required by the qualifying acts. This is the whole benefit conferred on the catholics by the acts in question ; for the oaths and declaration may be previously required, if the person authorised to require them, insist on it. Neither does the act extend to civil offices.

Small, therefore, in this point of view, is the boon conferred on the catholics by this act : but, its effects are likely to be considerable. It is something gained upon the remaining penal code ;—this alone makes it of consequence.

Public opinion, gives it a much greater operation than it really has ;—this too is of consequence.

It completely removes the objection to the appointments of catholics to offices, from the supposed unconstitutionality of such appointments. This was its most salutary effect, and made the act invaluable*.

Here, our historical compilation, so far as it respects the English catholics, is brought to its close.

* On the 7th of May 1818, the catholic question was incidentally brought before the house of commons, by a motion made by lieutenant general Thornton, that “leave should be given to bring in a bill to repeal such parts of the acts of the 25th and 30th of Charles II. as require, in certain cases, declarations to be made against the belief of Transubstantiation, and asserting the worship of the church of Rome to be idolatrous.” The motion was seconded by Mr. William Smith ; being read from the chair, Lord Castlereagh moved the previous question, and his motion passed without a division. The lieutenant general prefaced his motion by an able speech ; he has since printed it with proofs and illustrations. This publication deserves the attentive perusal of all, who interest themselves in the catholic question.

IN a former page, we inserted the writer's address to his protestant fellow subjects, in 1813;—we now beg leave to present our readers with his address to them in 1817. It states, in a few lines, the former and the present state of the English catholics, since the Reformation, and may therefore serve, without impropriety, for a conclusion to the attempt made, in these pages, to give a succinct view of their general history during that period.

“ To all the Protestants of Great Britain and
“ Ireland.

“ Brethren and Fellow Subjects!

“ In a few days, the petitions, repeatedly presented by his majesty's roman-catholic subjects, for the repeal of the penal laws, which still remain in force against them, will, once more, solicit the attention of the house of commons; and will, they trust, have your universal wish for their success. Leaving to his most honourable and most honoured brethren in faith, the Irish roman-catholics, and to their abler pens, the advocacy of their own cause, an English roman-catholic, who once before addressed you, and was kindly heard, again entreats your benign consideration of the case of his more aggrieved brethren, the roman-catholics of England.

“ 1. *At the time of his majesty's accession to the throne*, the English roman-catholics were subject to several disabling, penal, and even sanguinary laws, on account of their religious creed. They

“ were prohibited, by severe penalties, from exercising
“ any act of their religious worship ; were subject to
“ heavy fines for keeping schools for the education of
“ their children in their own country ; and to pu-
“ nishments, still more severe, for sending them for
“ education to foreign establishments. They were
“ incapacitated from acquiring landed property by
“ descent or purchase ; from serving in his majesty’s
“ armies and navies ; from all offices, civil and mili-
“ tary ; from practising the law or physic : and from
“ being guardians and executors. They were liable
“ to the ignominious and oppressive annual fine of a
“ double land tax ; deprived of the constitutional
“ right of voting for members of parliament ; and
“ disqualified from sitting in the house of commons.
“ Their peers were deprived of their hereditary seats
“ in the house of lords ; and their clergy, for exer-
“ cising their religious functions, were exposed to
“ the heaviest penalties and punishments, and, in
“ some cases, to death.

“ Such were the laws, in force at this period,
“ against the English roman-catholics, on account of
“ their religious principles. But, for some time, the
“ wisdom and mildness of government, and the good
“ sense and humane spirit of their countrymen, had
“ come to their aid ; and generally prevented the
“ execution of the severer part of the dreadful code.
“ Few roman-catholics had been tried on the laws,
“ which made the exercise of their religion felony ;
“ few, for the exercise of their religion had been im-
“ prisoned ; the instances, in which they had been
“ deprived, in consequence of it, of their landed pro-

“ perty, were not very numerous ; and prosecutions
“ of them, on any part of the penal code, had been
“ generally discountenanced. But, the law was still
“ their enemy ; and few, who do not recollect it
“ from their own experience, can conceive, how pain-
“ ful and humiliating the situation of an English
“ roman-catholic was, in the year 1778.

“ 2. *By two gracious and salutary acts passed*
“ *in the reign of his present majesty*, the condition
“ of the English catholics has been greatly amelio-
“ rated. By the act of the 18th year of his reign,
“ the particular statute, which chiefly prevented their
“ safely and quietly enjoying their landed property,
“ was repealed.

“ By the act of the 31st of his reign, further
“ relief was granted to them. The secure enjoyment
“ of their landed property was confirmed to them ;
“ the practice of the law was, in part, opened to
“ them ; the free exercise of their religion, to a con-
“ siderable extent, permitted them ; and several pe-
“ nalties and disabilities, under which they laboured,
“ were removed.

“ Each of these acts for their relief had the
“ warm approbation of every person in the nation, of
“ acknowledged virtue or talent. All the lords spiri-
“ tual, all the lords temporal, the whole house of
“ commons, the king, the ministry, the opposition,
“ all the distinguished clergy of the establishment,
“ all the eminent lights of the dissenting churches,
“ concurred in these great national measures of wis-
“ dom and humanity, and rejoiced in their success.

“ 3. *But, several disabling and penal laws still*

“ *remain in force against the English catholics.*
 “ Still, are civil and military offices denied them* ;
 “ still, are they excluded from many lines in the pro-
 “ fession of the law and medicine ; still, are some
 “ avenues to commercial wealth shut against them ;
 “ still, is entrance into corporations prohibited to
 “ them ; still, the provisions for their schools and
 “ places of religious worship are without legal secu-
 “ rity ; still, they are disabled from voting at elec-
 “ tions ; still, they are deprived of eligibility to a seat
 “ in the house of commons ; still, roman-catholic peers
 “ are excluded from their hereditary seats in the
 “ house of lords ; and still, roman-catholic soldiers
 “ and sailors,—(how many fell at Trafalgar and
 “ Waterloo!) are legally subject to heavy penalties,
 “ and even to capital punishment, for refusing to
 “ conform to the religious rites of the established
 “ church. Each of these laws has a painful operation :
 “ their united effect is very serious. It meets the
 “ catholics in every path of life ; makes their general
 “ body a depressed and insulated cast ; and forces
 “ every individual of it below the rank in society,
 “ which he would otherwise hold. Seldom, indeed,
 “ does it happen that a roman-catholic closes his life,
 “ without having more than once experienced, that
 “ his pursuits have failed of success, or that, if they
 “ have succeeded, the success of them has been greatly
 “ lessened or greatly retarded, or that his children
 “ have lost provision or preferment, in consequence
 “ of his having been a roman-catholic.

* In some degree, these are opened to the catholics, by the act of the 17th of his present majesty, mentioned in this chapter.

“ 4. Such then are the privations and disabilities
 “ under which the English roman-catholics still labour.
 “ In the years 1810, 1811, 1812, and 1813, they
 “ presented petitions to both houses of parliament,
 “ stating their grievances and praying relief. On the
 “ 22d day of June 1812, the house of commons, on
 “ the motion of the right honourable George Canning,
 “ came to a resolution ‘ of taking into its most serious
 “ ‘ consideration, early in the then next session of
 “ ‘ parliament, the state of the laws affecting his
 “ ‘ majesty’s roman-catholic subjects in Great Britain
 “ ‘ and Ireland, with a view to such a final and con-
 “ ‘ ciliatory adjustment as might be conducive to the
 “ ‘ peace and strength of the united kingdom, to the
 “ ‘ stability of the protestant establishment, and to
 “ ‘ the general satisfaction and concord of all classes of
 “ ‘ his majesty’s subjects.’

“ On the 25th day of February in the following
 “ year, the house, on the motion of the right honour-
 “ able Henry Grattan, resolved itself into a com-
 “ mittee, for the purpose mentioned in Mr. Canning’s
 “ motion.

“ Grateful for these measures of enlightened and
 “ humane policy, the roman-catholics of England
 “ *again approach the legislature.* Several circum-
 “ stances make them trust, that the result of it will
 “ be favourable to their cause. They request you
 “ to consider what the state of the public mind in
 “ their regard was in 1778, when their cause was
 “ first agitated in parliament, and what it is at
 “ present: what little resemblance there is between
 “ the strong prejudices against them which many

“ then avowed, and the general expression of good
 “ will, with which the catholic petitions have lately
 “ been received. Do not the protracted and often
 “ renewed debates, their friendly tone, the coalitions
 “ of political adversaries in support of their cause,
 “ their exertions to produce a final and conciliatory
 “ adjustment, the respectable divisions, and above
 “ all, *your* universal good will towards us, incontro-
 “ vertibly indicate, that we are not now that odious
 “ and noxious body of men, which the law seems
 “ once to have thought us; and that you now
 “ consider us a respectable portion of Englishmen,
 “ worshipping the same God, acknowledging the same
 “ king, attached to the constitution by the same affec-
 “ tion, and bound to their country and their coun-
 “ trymen by the same moral, the same civil, and the
 “ same social ties as yourselves? What then is the
 “ mighty difference between us? We believe all,—
 “ you believe parts only, of the religious creed of our
 “ common ancestors. Does this call for our political
 “ degradation?

“ 5. *On the charges which have been brought*
 “ *against us*, we think it useless to dwell; we believe
 “ the public is perfectly satisfied with the answers
 “ which they have repeatedly received from our
 “ parliamentary advocates, and that the number of
 “ those, who think that any farther exposition of
 “ our principles, or any farther justification of them,
 “ should be required from us, is small indeed.

“ *Our case is, therefore, closed!*

“ We now solemnly appeal to our friends and
 “ neighbours,—to all, who are acquainted with us,

“ in the ordinary intercourse of life, whether they
“ have found us deficient in the discharge of do-
“ mestic duties, in offices of friendship, in the exer-
“ cise of benevolence or hospitality, or in any of
“ those charities of life, that bind man to man, and
“ endear human beings to each other.

“ We solemnly appeal to the enlightened states-
“ men of both houses of parliament,—whether the
“ penal code, remaining in force against us, be not
“ in direct opposition to that general spirit of com-
“ prehension and humanity, which breathes through
“ the laws,—which is the soul of the constitution,—
“ and which gives to genius, talents, valour, industry,
“ and labour, equal openings to exertions, equal
“ chances of rewards.

“ *We have solemnly protested and again so-*
“ *lemnly protest, against all intemperate language,*
“ *all rancorous and illiberal invective, all harsh and*
“ *insulting expressions. We bear no animosity to*
“ *individuals of any communion, sect or party. We*
“ EMBRACE ALL OUR COUNTRYMEN AND FELLOW
“ SUBJECTS, AS FRIENDS AND BRETHREN; AND MOST
“ SINCERELY DO WE WISH TO SEE ALL UNITED IN
“ THE PARTICIPATION OF EVERY RIGHT AND EVERY
“ BLESSING, WHICH WE SOLICIT FOR OURSELVES.”

CHAP. XLIV.

THE PRELACY OF THE ENGLISH CATHOLIC CHURCH :
 —ITS CLERGY :—AND ITS CHARITABLE INSTI-
 TUTIONS,—SINCE THE REFORMATION,

IN the foregoing pages, the writer has endeavoured to present his reader, with a succinct account of some of the principal events in the history of the English catholics, from the Reformation to the present time :— In this chapter he will endeavour to lay before him,
 I. A succinct view of the state of their hierarchy :
 II. Their clergy : III. And their charitable institutions.

XLIV. 1.

The English Catholic Prelacy.

“ THE catholic bishops,” says Dodd*, “ having
 “ made a fruitless opposition in favour of their reli-
 “ gion, were, soon after, put to the test of the new
 “ oath of supremacy. It was refused by all the
 “ bishops, except Kitchen of Landaff, whom Camden
 “ calls the calamity of his time. The commissioners
 “ proceeded to their deprivation ; and they were ac-
 “ cordingly displaced about July 1559, and, by this
 “ means, made obnoxious to the penalty of the law.
 “ For, refusing the oath, the first time, was depri-
 “ vation : The second time, was a præmunire ; viz.
 “ forfeiture of goods and chattels, and imprisonment :
 “ The third refusal, was high treason.—Their fate

* Part iv. book i. art. ii.

“ was various, accordingly as they met with friends
“ at court. Some, lived under a strict confinement;
“ others, were prisoners at large.

“ Great numbers of the most eminent clergymen
“ went abroad ; and there was scarce any university,
“ either in Spain, France or Italy, but one or more
“ might be found in them ; besides others, that were
“ entertained as professors of divinity in foreign
“ universities. A great many, indeed, still remained
“ in England, and conformed, for a while, in hopes
“ that the queen would relent, and things come about
“ again. But, their hopes vanishing, they forsook
“ their benefices and followed their countrymen over
“ seas. There was not, however, a province through
“ all England, where several of queen Mary’s clergy
“ did not reside, and were commonly called ‘ *the*
“ ‘ *old priests.*’ They served as chaplains in pri-
“ vate families.—Again, several catholic clergy found
“ such friends as to be permitted to enjoy sinecures,
“ without being disturbed by oaths and other in-
“ junctions.”

Doctor Watson, the bishop of Lincoln, was the survivor of those English prelates, who did not conform to the religious innovations of queen Elizabeth. It is much to be lamented, that care was not taken to perpetuate the hierarchy.

Watson died in 1584 : Soon after his decease, the clergy applied to Rome for the appointment of a prelacy. In opposition to their wishes, it was alleged, that such an appointment would offend the queen and her government ; and it was suggested, as a more prudent measure, that the clergy should be placed under

the government of a simple clergyman, who should bear the title of archpriest, and enjoy episcopal jurisdiction, having the council and aid of twelve assistants. The proposal was adopted, and Mr. George Blackwell, whom we have already mentioned with praise, was, in 1598, constituted archpriest. Having held the dignity during ten years, he was deposed in 1608, chiefly, it is supposed, for his advocacy of the oath of allegiance, proposed by James the first. On his decease, the same title and jurisdiction were conferred on Mr. George Birkett, a clergyman of wise and moderate councils, and of conciliating manners, “studious” says Dodd, “of the reputation of the clergy, yet not inclinable to lessen that of others.” He died in 1614; and doctor Harrison, by an instrument dated the 11th of July 1615, was substituted in his place.

The form of government by an archpriest was always displeasing to the secular clergy. It is not within the object of these pages to enter into the little feuds, the *jalousies d'amitié*,—for the writer wishes to believe them nothing more,—which, in almost every stage of their history since the Reformation, have distracted the councils of the English catholics, and weakened their efforts to obtain relief. Even when the wicked quarrel, it is an object of pain to the truly good man; but, when animosities and dissensions arise among the virtuous and the holy, who does not wish the agitation terminated and forgotten? who does not wish the arrival “of the reign of heavenly love, where,”—to use the words of Fenelon, “there will be no error, no division, no scandal; where we shall breathe the

“ pure love of God, and he will communicate to us, his everlasting peace?”—

Perceiving the universal wish of the clergy, for episcopal government, doctor Harrison with his twelve assistants, signed a petition for it to Rome, and Rome approved the proposal. It remained to settle what form of episcopacy should be established.

The canons of the church require, that no bishop shall be ordained, unless the flock of the place, for which he is ordained bishop, is committed to his care; and that his jurisdiction shall be confined to that precinct. At the consecration of every bishop the officiating prelate puts the gospel into his hands,—and says,—“ receive the gospel—and go! preach it *to the people committed to thy care!* for powerful is God, to increase his grace on thee!”

But the calamities of Christendom made frequent infractions of this rule necessary. The irruptions of the barbarians, and particularly the conquests of the Saracens in the eleventh and twelfth centuries, disturbed the economy of many dioceses, and confounded the limits of ecclesiastical jurisdiction. It was often difficult, and sometimes impossible to appoint new sees with regular pastors. To supply the want of them, the see of Rome adopted the following plan:—A person was consecrated the bishop of a place, which had once been an episcopal see; but which, in consequence of the dispersion, the heresy, or the schism of the flock, had ceased to be the residence of a bishop. The person, thus consecrated, was delegated by the pope to exercise episcopal functions in some place, where a prelate was wanted; but which had not its

regular bishop. The bishops, thus appointed, are called *titular*, from their having the name,—and nothing more than the name of the church, to which they were ostensibly appointed; they are also called vicars-apostolic, because their power is wholly vicarial, being delegated to them by the holy see, and held at its pleasure. Such an institution is dissonant from the general spirit of church-discipline; but, what necessity requires, necessity excuses;—Van Espen* admits, that, “where necessity calls for it, a resort to this “institution is proper and salutary.”

In February 1623, Dr. Bishop was declared bishop-elect of Chalcedon; in the following month, a bull issued for his consecration; it was almost immediately followed by a brief, conferring on him, episcopal jurisdiction over the catholics of England and Scotland. “When thou shalt be arrived,” says the brief, “in “those kingdoms, we give thee license, *ad nostrum* “*et sedis apostolicæ bene placitum*, at the good will “of ourselves and our successors in the holy see, freely “and lawfully to enjoy and use all and each of those “faculties, committed by our predecessors to the “archpriests; as also such as ordinaries enjoy and “exercise, in their cities and dioceses.” Thus, Dr. Bishop had ordinary jurisdiction; but revocable at the pleasure of the pope:—in the language of curialists, he was *vicar-apostolic, with ordinary jurisdiction*. In exercise of his powers, he instituted a dean and a chapter, as a standing council for his own assistance, with power, during a vacancy of the see, to exercise episcopal ordinary jurisdiction, professing, at

* Jus ecclesiasticum universum, par. i. tit. xv. ch. iv.

the same time, that “ what defect might be in his own power, he would supplicate his holiness to make good, from the plenitude of his own.”

Universally respected and beloved, he died in April 1624; and Dr. Richard Smith was appointed his successor, with the same powers, though expressed in language, seemingly different. An attack on the immunities of the regular clergy involved him in a controversy, which at the end of four years, obliged him to withdraw to France. He died in 1658, at the advanced age of eighty-eight.

“ The chapter,” says Mr. Berington*, “ gave an account to his holiness, of the bishop’s decease, and requested to know his pleasure concerning the future government of the church of England. He replied, I will not disapprove of your chapter; but, will let you alone with your government.—In the same year, the chapter dispatched Mr. Plantin, a new agent, to Rome, to supplicate for a successor to bishop Smith. His holiness, in compliance with their requisition, promised they should have a bishop within seven months. And how, observed the agent, shall our church be governed in the interim? —Have you not a dean and a chapter? replied the pope.”

Still, during the thirty years which followed the decease of Dr. Smith, no successor to him was appointed. In the short reign of James the second, Dr. Leyburn was appointed bishop of Adrumetum, with ordinary jurisdiction over all England; but two years after his appointment, bishop Giffard, under the

* Memoirs of Panzani, p. 295.

title of bishop of Madaura, was added to the hierarchy, and the episcopal jurisdiction of England was divided between the two prelates. By a subsequent arrangement in the reign of the same monarch, England was divided into four districts; and a prelate,—appointed to some Asiatic see,—was nominated to preside over each, with an annual salary of one thousand pounds, payable out of the Exchequer. At the Revolution, the salaries ceased: but the distribution of the districts continued to the present time.—The northern district comprises eight counties; Northumberland, Cumberland, Westmoreland, Durham, Yorkshire, Cheshire, Lancashire, and the Isle of Man:—The midland, fifteen; Lincolnshire, Leicestershire, Huntingdonshire, Isle of Ely, Norfolk, Suffolk, Northamptonshire, Rutlandshire, Nottinghamshire, Staffordshire, Derbyshire, Warwickshire, Shropshire, Worcestershire, and Oxfordshire:—The western, seven English counties; Somersetshire, Gloucestershire, Herefordshire, Monmouthshire, Wiltshire, Devonshire, Cornwall, and the whole of North and South Wales:—The ten remaining counties, Kent, Middlesex, Essex, Hertfordshire, Sussex, Surrey, Berks, Bedfordshire, Buckinghamshire, and Hampshire, with the Isle of Wight, Jersey, English America, and the West Indies, were assigned to the London district.

The appointment of vicars-apostolic was not, in the first instance, acceptable to the general body of the secular clergy. They presented to James the second a memorial against the appointment of Dr. Leyburn. Having been desired by his majesty to state the difference between a bishop in ordinary, and a vicar-

apostolic, they stated, in their memorial, that, “ by a
 “ bishop, who is an *Ordinary*, is meant one, who
 “ hath power of *his own*, or *in himself*, to govern the
 “ flock, over which he is set ; and, while he acts ac-
 “ cordingly, he is not responsible to any, or revocable
 “ at pleasure.

“ On the contrary, a *vicar* is one, who hath no
 “ power of his own, or *in himself* ; but only the use
 “ or exercise of the person, who substitutes him ; so
 “ that, what he *does*, he *doth not* by his own power ;
 “ but, by the power of the person, whom he repre-
 “ sents ; to whom, therefore, he is, at all times,
 “ accountable, as using purely *his* power,—by whom
 “ that power and himself too, are revocable at plea-
 “ sure. Whence it follows, that a *vicar* need not be
 “ a *bishop* at all, but in certain cases ; and, although
 “ he be consecrated, and is to have the title and
 “ character of a bishop, yet, acting only *in* and *by*
 “ the power of *another*, according to the order and
 “ instruction given by *him*, he is not properly a bishop
 “ of the flock, to which he is sent, but officer or dele-
 “ gate of the person who sends him.”

Such were the sentiments of the secular clergy. But, after the appointment of vicars-apostolic was made, they acquiesced in it. The English catholic church has since been governed by them : the prelates exercising their power with moderation ; the flock, yielding to them an edifying obedience ; the chapter, considering their own jurisdiction suspended, while there is a vicar-apostolic in office.

This economy is confirmed by a decree of the sacred congregation de Propagandâ Fide, dated 6th October

1694; and confirmed by an apostolic sanction of Innocent the twelfth, dated October 1696. It declared, that, "by the deputation of vicars-apostolic into England, all jurisdiction whatsoever, of the *chapters*, as well *secular* as *regular*, of all the churches of that kingdom did cease; but yet only, while their deputation, or that of others so deputed, at any time, by the apostolic see, should last, and not otherwise."

Such, is the present state of the chapter of the English catholic clergy;—shorn of all its ancient glories; but still venerable, as the only remains, which the English catholics possess, of the hierarchy of the antient catholic church of England. It is observable, that a few ancient nuns, now residing in Somers Town, are the only remains, by unbroken succession, of the antient monastic institutions of England. These are the spiritual daughters of the convent of Bridgetines established, at the time of the Reformation, at Sion, near Brentford. At the dissolution of monasteries, they removed to Lisbon. On the invasion of that city by the French, they were admitted to the general hospitality, shown by this country, to the ecclesiastical emigrants.

As, under the arrangement, which has been mentioned, all British America, and all the British possessions in the West Indies, were assigned to the vicar-apostolic of the London district, few catholic prelates had a more extensive jurisdiction. But, in July 1789, the congregation of the *propaganda* published a decree, afterwards approved by pope Pius the sixth, ordering all the catholic priests, within the

United States of America, to assemble, and to fix upon some town, for an episcopal see, and,—but for that time only,—to choose its bishop. They fixed on the town of Baltimore, and twenty-four out of twenty-six votes, elected, for their prelate, Dr. Carroll of the society of Jesus. On the 6th of November 1789, the pope issued a bull, by which he appointed him to the see of Baltimore, with episcopal jurisdiction over the whole territory of the United States. In 1808, his holiness erected the bishopric of Baltimore into a metropolitan see, and New York, Philadelphia, Boston, Beardstown in the Kentucky country, into suffragan bishoprics. He conferred the dignity of an archbishopric on the see of Baltimore, and sent Dr. Carroll the pallium.

Such, are the triumphs of the gospel!—We are struck with the grandeur of pagan Rome, when we read of her highways, which, issuing from the Forum, traversed Italy, pervaded the provinces, and were only terminated, by the frontiers of the empire. Far beyond these, the successor of St. Peter has sent from christian Rome, the feet of those who preach the gospel of peace, and carry the faith of Christ to all the nations of the earth.

In describing the general body of the clergy of Amiens, the biographer of the celebrated bishop of that city, says, “they were all decent; and many “exemplary.”—Higher praise belongs to the English catholic clergy. Who of them, is not punctual in his attendance at the altar? Or in his confessional? Or, not ready at the call of every poor man, to afford him spiritual succour? Or, to instruct his

poor child? Where is the hospital, the workhouse, or the prison, into which, if it have a catholic inmate, the catholic priest does not cheerfully carry the comforts of religion?

With few exceptions, these servants of God, and benefactors of man,—for, these honourable appellations they certainly deserve,—subsist by privations. Still,—scanty as is their revenue, the poor generally have some share of it. Wherever he is, the English catholic pastor is the poor man's friend.

The scantiness of the provision for the vicar-apostolic of the London district, lately attracted the attention of the faithful, committed to his charge. A respectable increase was immediately made to it, by a subscription equally honourable to the pastor and the flock. No condition, no obligation whatever accompanied it, beyond a general understanding, that it was a contribution for the prelate's comfortable and decent subsistence. With the same respectable and filial feelings, the following letter was addressed to the pope;—we subjoin to it the answer, with which it was honoured.

“ Most holy father,

“ WE, whose names are undersigned, peers and
“ commoners of Great Britain, professing the ca-
“ tholic religion, most humbly beg leave to represent
“ to your holiness,

“ That, we have heard, with the greatest concern,
“ that endeavours have been made, and are now
“ making, to prejudice the minds of your holiness
“ and the cardinal prefect of the sacred congregation

“ *de propagandâ fide*, against one of our venerable
“ pastors, the right rev. Dr. William Poynter, bishop
“ of Halia, and vicar-apostolic of the London district:

“ We beg leave to testify to your holiness, that,
“ from the time of his being appointed coadjutor
“ to the late right rev. Dr. Douglas, of revered
“ memory, till the present hour, the conduct of the
“ right rev. Dr. Poynter, has been uniformly edifying
“ and exemplary.

“ Acceptable to the highest, benign to the lowest,
“ serving all for God ; his zeal, in the discharge of
“ pastoral duty, and his assiduous exertions to pro-
“ mote the welfare of his flock, his learning and his
“ piety, are acknowledged by every one. In a situ-
“ ation, necessarily of great difficulty and delicacy,
“ the constant tenor of his conduct, at once blame-
“ less and respectable, has gained him universal
“ reverence.

“ The concern which we have mentioned is greatly
“ increased, by hearing, (what we cannot bring our-
“ selves to believe),—that there have been,—and
“ still are—projects to induce your holiness to remove
“ this excellent prelate, from the district committed
“ to his care.

“ Against every such attempt, we most humbly
“ and earnestly appeal to your holiness ; and we beg
“ leave to represent, that such a measure would be
“ highly detrimental to religion ; highly distressing
“ to the members of the district which he has so long
“ and so worthily governed ; and highly displeasing
“ to all, who interest themselves in the cause of the
“ catholics of this realm.

“ Confiding in your holiness’s wisdom and discernment, and your known and proved solicitude for all the churches, committed by Christ Jesus to the care of your holiness, his vicar on earth, we beg leave, most holy father, to submit to your paternal attention, these our humble representations.

“ Assuring your holiness, of our inviolable attachment to our holy faith, and our obedience, in Christ, to the Mother and Mistress See,—we beseech your apostolic benediction :—and with the most profound respect and veneration, are,

“ Your holiness’s most dutiful

“ and obedient servants in Christ,

“ Norfolk, earl marshal	“ Evelyn Dormer,
of England.	“ Henry Englefield, bart.
“ Surrey,	“ Henry Tichbourne, bart.
“ Shrewsbury,	“ George Jerningham, bart.
“ Newburgh,	“ John Throckmorton, bart.
“ Kinnaird,	“ Thomas Webbe, bart.
“ Petre,	“ Edward Smythe, bart.
“ Arundell,	“ Richard Bedingfield, bart.
“ Dormer,	“ Edward Blount, bart.
“ Clifford,	“ Carnaby Huggerston, bart.
“ Everard Arundell,	&c. &c. &c. &c.
“ Hugh Clifford,	&c. &c. &c. &c.
“ Edward Stourton,	&c. &c. &c. &c.”

The Answer.

“ Beloved children!—Health and apostolical
“ benediction.

“ IN your letter of the 31st of last June, you exposed to us, your fear and solicitude, lest our

“ venerable brother, the bishop of Halia, the vicar of
“ this see in the London district, who, you informed
“ us, had, according to intelligence received by you,
“ fallen under the heavy suspicion of us and the pre-
“ fect of the congregation *de propagandâ fide*, should
“ be removed from his aforesaid vicariat : and, with
“ the greatest earnestness, you petitioned, that this
“ might not take place ; and gave, with unanimous
“ consent, the most ample testimony to the doctrine,
“ virtue, prudence, and ardent zeal for religion, by
“ which this prelate had gained the greatest esteem
“ from every order of persons among you.

“ Grateful to us, in the first place, has been this
“ your warm attachment towards the person, whom
“ the apostolic see has assigned to you for pastor :
“ Most grateful to us, moreover, is this your very
“ unanimous testimony in his favour, which you
“ have transmitted to us : For, by these, both the
“ virtue of this eminent prelate, and your own excel-
“ lent dispositions, obtain, at the same time, our full
“ commendation : But, we fully authorise you to
“ expel, from your minds, every such anxiety ; for we
“ never entertained, respecting the bishop of Halia,
“ the suspicion of which you are apprehensive ; and
“ much less, have we ever thought of removing him
“ from his apostolic vicariat : for, on the very grounds,
“ which you have clearly exposed to us, we entertained
“ the best opinion of him, and the most affectionate
“ disposition in his regard.

“ It is pleasing to us to signify these things to
“ you, and by this method, to put you in possession
“ of the most certain proof of our most honourable

“ judgment of this most illustrious prelate, and of
 “ our good-will towards you.

“ We most highly commend and receive, with
 “ peculiar gratification, the significations of reverence,
 “ devotion and attachment, to the chair of Saint
 “ Peter, and to ourselves, who, though unworthy,
 “ are seated in it, which your letter, replete with
 “ affection and duty, most clearly expresses: and
 “ answering it, with equal affection and duty, on our
 “ part, we most cordially impart to you all, agreeably
 “ to your earnest requests, our apostolic benediction.

“ Given at Rome, at Saint Mary Major,
 “ 30th August 1817, the eighteenth year
 “ of our pontificate.

“ Pius P. P. VII.”

XLIV. 2.

Religious Establishments made by the English Catholics in Foreign Countries.

THE mention of the hierarchy of the English catholic church naturally leads to a consideration of their institutions for education.—It has been stated, in a former part of this work, that, in consequence of the Reformation, and the penal enactments, which followed it, the catholics established colleges, and religious communities in different parts of the continent. A summary view of these, is given in *A short Chronological Account of the Religious Establishments made by English Catholics on the Continent of Europe, by the Abbé Mann, in the 13th vol. of the Archæologia.*

The principal establishments for the education of youth, were the college of secular clergy at Douay, and the colleges of the Jesuits at St. Omer, and Liege. At Douay, the studies of humanity, of philosophy, and theology ; at St. Omers, the studies of humanity ; at Liege, the studies of philosophy and theology were cultivated:—and in all they were cultivated with success. How deeply the students were instructed in religion is evident from the circumstance, that, during the era of the English persecution, the single college of Douay sent to England, one hundred and twenty priests, who suffered death, for their religion.

The education at the colleges, we have mentioned, was very good. “ It must be confessed,” says doctor Pattenson *, “ that there be many excellent wits, and
 “ men of great learning, bred in the colleges in Eng-
 “ land ; yet, this I may truly say, that those beyond
 “ the sea are of no base quality ; neither is their edu-
 “ cation, in those places, such, as should render them
 “ liable to that character, in time to come. Yea rather,
 “ —they are so orderly governed, and their times
 “ of study, devotion, exercise, both scholastical and
 “ spiritual,—recreation,—yea even of their most ne-
 “ cessary repast and rest—are all so exactly measured
 “ out to them,—all occasions of idleness, excess, and
 “ ill company, so prudently and carefully prevented,
 “ that it is no wonder they appear so civil, so devout,
 “ so religious, temperate, sober, and well-governed, in
 “ outward deportment, as, through the grace of God,
 “ they do. They are, as I said, by their superiors,
 “ strictly kept to their tasks ; yet rather won, than

* Image of both Churches, 2d edition, 472.

“ forced into them. They are bridled with a hard-bit, but it is carried with such a gentle hand, as it does not pinch, but guide them ; so that, as their studies,—blessed be God!—are not altogether unhappy, so neither, is their life unpleasant ; but sweet, agreeable to virtuous minds, and full of the noblest contents.”

Such is the description given by this intelligent writer of the members of the foreign establishments. Nor should it be forgotten, that, notwithstanding their exile and persecutions, their hearts remained truly English. This was ever observed by foreigners. During the war, which was closed by the peace of Paris, every victory which the English gained over the French, was a triumph to the English boys in their foreign schools. Their superiors were more than once admonished, by the magistrates and their friends, not to make their joy on these occasions too discernible. The salutary and incontrovertible truth, that one Englishman can, any day, beat two Frenchmen, was as firmly believed, and as ably demonstrated at Douay and St. Omers, as it could be at Eton or Winchester.

XLIV. 3.

The Charitable Establishments of the English Catholics for the Education of the Poor.

THESE should not be altogether passed in silence. They are numerous, and excellently conducted. They are under the direction of the clergy. In their direction of them, the clergy are generally assisted by several persons, in the middle classes of life, whose meritorious

exertions, in these concerns, no pen can adequately celebrate.

Here,—the writer speaks from his own observation. Numerous are the persons of this description, whose first and latest thought is, how they can best promote the glory of God, and the welfare of their neighbour ; how they can best procure raiment for the naked, food for the hungry, instruction and employment for the young, comfort for the aged, and, the last blessings of religion for the dying. On the great day of retribution, nothing of what we have described will be forgotten by Him, who will then remember, even a cup of water, given in his name. In the mean time, they wade through a thousand wearisome details, submit to a thousand rebuffs, and undergo a thousand mortifications. The great but obscure merit of these invaluable individuals, was observed and felt by the sublime Bossuet. “ Poor suffering martyrs,” exclaims that eminent light of the church of God,—“ persist in suffering your lowly martyrdom, without murmuring ; and sincerely loving those, who make you suffer !— This was one of the distinctive marks of Jesus Christ, and you have the honour of bearing it. For whom I am writing this, I do not know ; I have no man particularly in view, I know there are many such. Dear to them indeed should be their humiliations, whatever they are, and whoever occasions them*.”

It is pleasing to add, that their exertions are happily seconded by the noble and the wealthy among their brethren. Considering the great pressure of the

* Meditations cxviii. Jour. 21.

demands of the state on the landed property of the *catholic nobility and gentry*; that they bear, in common with their countrymen, all the burthens of the state, and are excluded from every channel, through which, under the various denominations of places, pensions, and salaries, a great part, of what is taken from individuals, is returned to them;—that they are deprived of many methods of providing for their younger children, and that, in addition to the support of the national clergy, the support of their own pastors falls heavily upon them,—still, their public and private munificence is great, on every occasion equalling, and often exceeding the most sanguine expectation.

The French revolution restored the members of the foreign schools of the English catholics to their native country. For the kindness with which they were received, and with which they have since been unceasingly treated, they have every reason to be,—and they are,—truly grateful. Three colleges,—One, at Ushaw, near Durham.—One, at Old Hall Green, near Puckeridge;—the third, at Oscot, near Birmingham, are under the direction of the secular clergy. A college at Ampleforth, near York,—another at Downside, near Bath, are under the direction of a benedictine monk; one at Stonyhurst, near Blackburn, is under the direction of a priest of the society of Jesus.

The French revolution, sent also, several communities of English nuns into this country. To these, the incomparable kindness of this country has equally extended its protection. The edifying regularity of their lives, and the prudence of their conduct, are

universally acknowledged. If, among his intelligent countrymen, there be one, who thinks of them slightly or unkindly,—all the writer requests of him is, to be permitted to attend him to the spot,—to place him, in the chapel, the study, the refectory, or the garden,—and to whisper in his ear, in words like those graven on the tomb of sir Christopher Wren, in St. Paul's church,

Quales sunt, circumspice *.

CHAP. XLV.

OUTLINE OF THE LITERARY HISTORY OF THE ENGLISH CATHOLICS SINCE THE REFORMATION.

WE shall close these pages with an attempt to present the reader with an outline of the literary history of the English catholics since the Reformation; bringing successively into view, I. Their most eminent theologians; II. Poets: III. Historians; IV. Lawyers: and V. Some account will then be given of their sacred music.

XLV. 1.

Theologians.

1. ONE of the first controversies between the catholic and protestant divines, was carried on by doctor

* The words on the monument of Sir Christopher Wren, are,

Si quæres monumentum circumspice.

Jewel, the bishop of Salisbury, and doctor *Thomas Hardinge*. The latter, at the time of the accession of queen Elizabeth, was prebendary of Salisbury; and had several other preferments. Of all these he was deprived, and retired to Louvaine.

In 1562, bishop Jewel published, in the Latin language, his celebrated *Apology for the Church of England*. It was translated into the English, Greek, and several other languages. Doctor Hardinge replied to it, by his *Confutation of the Apology of the Church of England*; Antwerp, 1563. Doctor Jewel replied, by his *Defence of the Apology of the Church of England*; London, 1564. This became even a more popular work, than his apology. Queen Elizabeth, king James, and king Charles the first, ordered it to be chained up, and read, in all the parish churches, throughout England and Wales. Doctor Hardinge answered it, by his *Detection of sundry foul errors, lies, slanders, corruptions, &c. uttered and practised, by M. Jewel, in a book, lately by him set forth, called, An Answer, &c. Louvaine, 1568*. To this the bishop published an answer, in the same year. Each writer was considered as the champion of his party; and each allowed, by both parties to display great ability in the controversy.

2. The next work, which presents itself to our attention, is the *Rheimish version of the Old and New Testament*. The version of the New Testament, with notes, was published, in one volume, quarto, in 1582, at Rheims; to which city, the English clergy, originally established at Douay, had removed. In 1600, it was reprinted, at Douay; with some variation in the

notes. A translation of the Old Testament was published at Douay, in 1610. Dr. Allen, Dr. Bristow, Dr. Reynolds, and Mr. Martyn, were employed in the work; but by Dodd's account*, "it may be entirely ascribed to Mr. Martyn; the others, being only revisers."

The general asperity of language, in which the notes are written; and some expressions sounding disloyally, which they are said to contain, gave just offence. These, however, did not prevent the publication of a new edition, in 1816, in Dublin. In the title page, it is said to have been "revised, corrected, and approved," by Dr. Troy, the titular archbishop of Dublin. This imputation produced from his lordship the following declaration:

"Having seen a new edition of the Rheimish Testament, with annotations published by *Coyne*, *Dublin*; and *Keating*, &c. *London*, 1816, said to be revised, corrected, and approved, by me, I think it necessary to declare, that I never approved, nor meant to approve, of any edition of the Old or New Testament, which was not entirely conformable, as well in the notes, as the text, to that, which was edited by *R. Cross*, *Dublin*, 1791, containing the usual, and prescribed formula of my approbation; and which has served as an exemplar to the several editions, that have since been published with my sanction. As, in the said new edition, the notes vary essentially, from those of the last-mentioned editors, which, exclusively, I have sanctioned for publication, I should think *that* circumstance alone

* Church History, vol. i. p. 121.

“ fully sufficient to induce me to withhold every kind
 “ of approbation from it ; but, having read, and now,
 “ for the first time, considered these notes, I not only
 “ do not sanction them, but solemnly declare, that
 “ I utterly reject them ; generally, as harsh and
 “ irritating in expression ; some of them, as false,
 “ and absurd in reasoning ; and many of them, as
 “ uncharitable in sentiment. They further appear
 “ to countenance opinions, and doctrines, which, in
 “ common with the other roman-catholics of the em-
 “ pire, I have solemnly disclaimed upon oath. Under
 “ these circumstances, and with these impressions on
 “ my mind, I feel an imperious duty to admonish that
 “ portion of the catholic body, which is intrusted to
 “ my charge, of the danger of reading, and of paying
 “ any attention to the notes and comments of the said
 “ new edition of the Testament ; and I enjoin the
 “ roman-catholic clergy of this diocese to discourage,
 “ and prevent, by every means in their power, the
 “ circulation, amongst catholics, of a work tending
 “ to lead the faithful astray ; and much better fitted
 “ to engender, and promote, amongst christians, hos-
 “ tility, bitterness, and strife, than, what should be
 “ the object of every such production, to cultivate the
 “ genuine spirit of the gospel, that is, the spirit of
 “ meekness, charity, and peace.

“ J. T. TROY.

“ Dublin, 24th October 1817.”

That the notes deserve the strong expressions of
 censure, applied to them by Dr. Troy, admits of
 no doubt. Dr. Geddes, in his *Prospectus of a new
 translation of the Holy Bible* has described the faults

of this version, and the notes to it, and has suggested the best extenuation, which they admit. “It is,” he says, “a literal, and barbarous translation from the vulgate, before its last revision; and accompanied with acrimonious and injurious, annotations. The residence in a foreign country, and, what they deemed, exile from their own, corrupted the translators’ language; and soured their tempers; and it was, unhappily, the common custom of those lamentable times, to season every religious controversy with gall and vinegar. We do not find, that Fulke, Fuller, and Cartwright, who drew their quills against the Douay annotators, were a bit more courteous than they.”

It may be added,—that, when the censurable expressions of the Rheimish annotators are brought forward, the dungeons, the racks, the gibbets, the fires, the confiscations, and the various other modes of persecution, in every hideous form, which the catholics of those days endured, should not be forgotten. That these should have produced many censurable expressions, cannot be a matter of surprise. If something of the kind had not fallen from them, they must have been more than men.

In 1749, a new edition both of the Old, and New, Testament, with some alterations in the text, and much in the notes, was published, from the notes of the late doctor Challoner.—Still, the version is imperfect: A more correct version, is perhaps, at present, the greatest spiritual want of the English catholics.

3. The subject leads to the mention of the version.

of *The Historical Books of the Old Testament*, by the late reverend Alexander Geddes, L. L. D. Dr. Geddes was a priest of the catholic church ; and, for several years, served a catholic mission, in Scotland. Incurring the displeasure of his bishop, he removed to London ; and, at first, said mass, in private families. After some time, he altogether abstained from the exercise of his sacred functions ; and dedicated himself to a new translation of the Scriptures, under the patronage of lord Petre, the grandfather of the present lord. His lordship furnished the doctor with a complete biblical library, and promised to allow him, during the time, in which he should be engaged in his biblical undertaking, an annuity of one hundred pounds.—Double the amount of this sum, his lordship, while he lived, most regularly paid the doctor. The first volume of the translation appeared, in 1792: the second, and last, in 1797. They were accompanied, by notes, under the text ; and by a volume of critical observations. In these, he absolutely denied the doctrine of the divine inspiration of the sacred writings ; expressed himself, very slightly, on several opinions, universally received and respected by the church ; and generally adopted the German scheme of rationalizing the narrative of the Old Testament.

The frequent levity of his expressions was certainly very repugnant, not only to the rules of religion, but to good sense. This fault he carried, in a still greater degree, into his conversation. It gave general offence ; but those who knew him, while they blamed and lamented his aberrations, did justice to his learning ; to his friendly heart, and guileless simplicity. Most

unjustly has he been termed an infidel. He professed himself, a trinitarian; a believer in the resurrection; in the divine origin, and divine mission of Christ, in support of which he published a small tract. He also professed to believe, what he termed, the leading and unadulterated tenets of the roman-catholic church. From her,—however scanty his creed might be,—he did not so far recede, as was generally thought. The estrangement of his brethren from him was most painful to his feelings. The writer has, more than once, witnessed his lamenting the circumstance, with great agitation, and even with bitter tears.

The general opinion, respecting his version, appears to be settled. It is admitted to contain many happy renderings; many just emendations of the text; and many profound and ingenious observations on its sense; and to discover a profound knowledge of the Hebrew language. But the propriety of the greater part, both of his emendations and interpretations, has been questioned,—the too frequent levity of them, we have already noticed. Another considerable defect in his version, is its total want of uniformity of style; in this respect, it yields to the vulgate, in which, although it was evidently executed by different hands,—the *vultus et color idem*, are, throughout, admirably preserved. No translation of the sacred volumes, not even that of Houbigant, possesses this excellence, in an equal degree. In every page of the version of doctor Geddes, there is some breach of this uniformity; the style, moreover, is justly reproached with incessant inversions,—a mode of writing equally contrary to the Hebraic, and the Greek idioms.

He completed, and published his translation of the historical books ; and, when he died, he was preparing a pocket edition of the Psalms. He had sold the copy to Johnson, the bookseller : and the work was printed off, to the middle of the 118th Psalm.

Lord Petre, his original patron, bequeathed to him an annuity of one hundred pounds, during his life.— With the hereditary munificence of his family, his lordship's son, soon after the decease of his father, signified to the doctor, in the most polite, and friendly manner, his intention to continue his father's patronage of the work ; and to allow him an additional annuity of one hundred pounds.

The doctor did not long survive his noble patron. Lord Petre died, in July, 1801. The doctor died, in the following February. He was buried, by his own desire, in the churchyard at Paddington. The funeral was numerously, and honourably, attended. Few could boast of warmer, or of more respectable friends : for no one ever called in question his learning, or the benevolence of his disposition : but every catholic, and even every christian must admit, that offensive and unjustifiable passages frequently occur, both in his translation, and in his other writings.

Lord Petre extended his kindness to the doctor's memory. Immediately after his death, his lordship desired the writer of these pages to examine his papers. At his request, the late doctor Disney, a particular friend of the deceased, was associated with him, in the task. This was the more proper, as a report had been widely circulated, that the catholics had caused his papers to be destroyed. Doctor Disney, and the

present writer, made as complete a search, among them, as their avocations permitted. To their great surprise, although they found several literary manuscripts, they did not, with the exception of a rough version of the last Psalm, find a single scrap of paper that related to his biblical pursuits. This was signified to lord Petre, with a recommendation, that further searches, and further inquiries, should be made, by some person, possessed of greater leisure. These were made ; but they were equally unsuccessful. All this was the more surprising, as, from the doctor's declarations to his friends, and from other circumstances, there was great reason to suppose that he had made considerable progress in the continuation of his work ; or, at least, had collected ample materials for it. Probably, in the view of his approaching dissolution, he had committed them to the flames. On the receipt of this report, it was thought proper, that the public should be made acquainted with the result of the investigation, by a preface to the doctor's translation of the Psalms. Such a preface was accordingly written. It was signed by doctor Disney, and by the present writer ; and prefixed to that work.

A learned, and interesting, life of the doctor has been written by Mr. Mason Good. It has been mentioned, that the doctor was, by his own desire, buried at Paddington.—It was by his own desire also, that the following inscription, was written on the stone, raised at the head of his grave.

Reverend ALEXANDER GEDDES, LL.D.

Translator of the Historical Books

Of the Old Testament,

Died, Feb. 26th 1802.

Aged 65.

Christian is my name, and Catholic my surname.

I grant, that you are a Christian, as well as I;

And embrace you, as my fellow disciple in Jesus :

And, if you are not a disciple of Jesus,

Still I would embrace you, as my fellow Man.

Extracted from his works.

Requiescat in Pace.

This stone was erected by his friend, Lord Petre, in 1804.

4. We have noticed the controversy between doctor Hardinge and doctor Jewel.—We have now to mention a controversy of equal celebrity, in its time :

To the fifth Volume of his reports, *sir Edward Coke* prefixed a learned preface, in which he endeavoured to establish, by a series of precedents, the spiritual supremacy of the king of England. To this, *father Parsons*, in 1606, published a reply, intitled “*An Answer to the fifth part of the Reports of sir Edward Coke, &c. by a Catholic Divine.*” *St. Omers*, 4to. On each side, the argument is nearly exhausted; the diligence of subsequent polemics has not enabled them to produce upon this subject, much that is new, either in point of fact, or of argument.

No writer, perhaps, has expressed, in fewer words, or with greater accuracy, the different natures of spiritual and temporal power, than *father Parsons* has done in the work, we have just mentioned, (*p. 31.*)

“ As the temporal power for furnishing of his authority, hath *power* also to punish temporallie, when occasion is offered, and this, in either goods, body or life; so have spiritual magistrates also, by Christ’s appointment, *ecclesiastical power*, not only to teach, exhort, instruct, and direct, as has been said, but to punish in like manner, by spiritual *censures*, much more grievous and dreadful *in respect to the life to come*, than are the forenamed punishments of the civil magistrate, which censures are three in number, answering, after a certain manner, to the former three of the temporal magistrate; and these are, according to catholike divinity and canons of the church, suspension, interdict, and excommunication.”

5. Among the polemic writers of the seventeenth century, few were more generally read, or more respected, than the celebrated *Abraham Woodhead*. His works were highly prized by Mr. Alban Butler, the author of the *Lives of the Saints*. But the style of them is so bad; the matter, so confused; and the sentences so perplexed by parentheses, as to make the perusal of them an exertion, too great for the generality of readers. It is not, however, improbable, that, if some one, qualified for the task, and bestowing proper attention upon it, would favour us with *the Spirit of Abraham Woodhead*, he would produce much instructive, and much interesting, matter;—lost, at present to the public, by the obscurity cast on it by the author.

6. Among the catholic writers, in the reign of Charles II, none was more distinguished than

Hugh Paulin Cressey. He was born of respectable parents, at Wakefield, in 1603 : and was taught the first rudiments of learning at a grammar-school in that town. In 1619, he went to Oxford, and in 1626, was admitted fellow of Merton college. He took the degree of master of arts ; and, entering into holy orders, became a chaplain to Thomas lord Wentworth, then lord president of the north. He afterwards became chaplain to viscount Falkland ; accompanied his lordship to Ireland ; and was promoted, by his interest, to a canonry in the collegiate church at Windsor, and to the deanery of Laughen, in Ireland. The disturbances of the times obliging him to quit England, he travelled through Italy, and, after a serious examination of the doctrine and discipline of the church of Rome, made a public profession of its religion in 1646. He then repaired to Paris, and studied theology, with great attention, under the celebrated Henry Holden, doctor of the Sorbonne. The fruit of his studies appeared in his *Exomologesis, or a faithful narrative of the occasions, and motives of his conversion to catholic unity*. Two editions of this work have appeared, one in 1647, the other, in 1658. The last contains an appendix ; but the former contains a profession of allegiance, which Cressey asserted the general body of English catholics to be willing to sign ; and from which, the Irish remonstrance, mentioned in the following chapter, was principally copied. In the second edition this was omitted. Both editions are scarce.—Cressey afterwards became a monk of the order of St. Benedict, in the abbey of English monks, at Douay, and, at his

profession, took the name of Serenus, by which, he was afterwards generally known. His conversion did not deprive him of his protestant friends.—The learned doctor Henry Hammond having received from him a copy of his *Exomologesis*, declined, in the language of friendship, to become his antagonist, “that he might give no disturbance to a person, for whom he had,” as he expressed himself, “so great a value, and who could have no humane consideration in the change, he had made.” Cressey remained seven years in the benedictine convent at Douay.

Here, he became acquainted with the manuscript writings of father Baker, a laborious collector of antiquities relating to the ecclesiastical history of England, and a great master of ascetic science. Baker was in correspondence with Camden, sir Henry Spelman, sir Robert Cotton, Mr. Selden, and several other antiquaries of eminence, and left behind him large manuscript treasures. To these, *Reyner*, the author of the *Apostolatus Benedictinorum in Angliâ*, was greatly indebted: and, from some of them, Cressey collected his *Sancta Sophia, or directions for the prayer of contemplation, in two volumes 8vo. Douay 1657*,—a work highly deserving the attention of all, who either study the philosophy or seek to acquire the practice of mystic devotion. Of father Baker’s manuscript collections, Cressey also availed himself in the composition of his “*Church history of Britany from the beginning of Christianity to the Norman conquest, Rouen*,” 1668, in one volume folio.—He left in manuscript a second part of this history, which, carried it down, as it is said, to his own times. It

was preserved in the benedictine convent at Douay, and is supposed to have perished in the general devastation at the French revolution. Father Cressey had respectable antagonists, and among them lord Clarendon and doctor Stillingfleet.—A new edition of the *Exomologesis*, with a succinct view of the controversy between Cressey and his two great opponents, would form an interesting manual of catholic controversy.

On the marriage of Charles II, with the Infanta of Portugal, Cressey became one of her chaplains, and resided in Somerset House. In the decline of life, he retired to East Grinstead, and died at the seat of Richard Caryl, esq. in 1674, in the 81st year of his age. “His loss,” says Mr. Chalmers, in his *Biographical Dictionary*, “was much regretted by those of his communion, as well on account of the purity of his manners, and his mild and humble deportment, as for the candour, plainness, and decency with which he had managed all the controversies, that he had been engaged in, and which had procured him in return, much more of kindness and respect than almost any other of his party had met with”—(we wish the biographer had not added the unjust words)—“or had deserved.”

7. With the celebrated Mr. *John Gother*, the polemics of the last century respectably close. Dodd, in the third volume of his church history, mentions seventeen controversial, and twelve spiritual, tracts of his composition. “The style of them,” he says, “is natural, easy, and unaffected; and in the opinion of Mr. Dryden, the poet laureat, a masterpiece in

“the English language.” The most known of his controversial works is intitled, “*A Papist misrepresented, and represented.*” An abridgment was made of this work by the late Dr. Challoner. The seventeenth edition of it is now before the writer.—The most eminent of his spiritual works, are his *Instructions on the Epistles and Gospels of the whole year*. The reader of them must agree with Mr. Dryden, in his opinion of the great beauty of the style; and, perhaps, think, with the present writer, that no composition in the English language approaches nearer to the nervous simplicity of the best writings of the dean of St. Patrick’s.

8. Amongst the English divines established in foreign countries, none attained greater celebrity than doctor *Henry Holden*. He was born in Lancashire, of respectable parents, in the year 1596; studied at Douay; removed to Paris; and was admitted, at the Sorbonne, to the degree of doctor of divinity. He died about the year 1665. His work “*Divinæ Fidei Analysis*,” elegantly reprinted, after several prior editions, by Barbou in 1767, acquired him great reputation. His object was to state with exactness, and in the fewest words possible, all the articles of catholic faith: distinguishing these from matters of opinion. With this view he succinctly states the subject of inquiry, and the points immediately connected with it; and, after a short discussion of them, inquires, in reference to the subject before him, *quid necessario credendum?* The solution of this question concludes the article. His work gave general satisfaction: it has been translated into English. L’Avocat says, “it is

“ an excellent work, and comprises, in a few words, the whole economy of religion.” He was unfavourable to Jansenism. “ The work of Jansenius,” he writes in a letter made public by his desire, “ I never read ; not so much as a page, or even a section of it. But, as I find that Jansenius, and the five propositions extracted from it, (which I condemned from the first), were condemned by Innocent the tenth, from my respect to so great, and so sacred an authority, I condemn,—in the same sense in which they were condemned by him,—Jansenius and his propositions.” He subscribed the celebrated censure of the Sorbonne, of the letter of Arnaud to the duke of Liancour, but wished his apology for it to be received.

9. Both in the sixteenth, and seventeenth centuries, a multitude of other writers of the catholic communion deserved, and obtained, great celebrity. They are now, generally forgotten ; and extremely difficult to be procured. Among these, ‘ *A Search into Matters of Religion ;*’ *St. Omer’s*, 4to, 1615, by *Francis Walsingham*, deserves particular mention.—It is written with taste and spirit ; and was particularly recommended by the late Mr. Alban Butler to those protestants, who were inclined to embrace the roman-catholic religion.

10. It is not a little remarkable, that, notwithstanding all the discouragements, under which their spiritual pastors have laboured, it may be doubted, whether as good books of prayer and devotion are to be found, in any country, as those, with which the English catholics have always been supplied. The

writer has long endeavoured, but without success, to discover the author, or compiler, of the prayer-book, intitled, “*The whole Manual.*” The earliest copy which has come into his hands, was printed, in the year 1688. The late Mr. Coghlan* mentioned to him, that he had not seen any of an earlier date. But, the preface in this edition, mentions it, as a work, used by the ancestors of the catholics of that time; and, in Dr. Gee’s *Foot on the Snare*, printed in 1624, the writer finds a mention of *The Manual of Prayers*, reprinted,—which may be the work in question. For prayers, at once instructive, simple, and dignified,—sometimes even reaching the true sublime,—it may certainly be put into competition with any existing catholic book of prayer. The morning, and evening litanies, for the Sunday, are most beautiful.

It is not indeed, certain, but tradition asserts,—and it is corroborated by internal evidence,—that the translations, in this edition, of the *Te Deum*, the *Pange Lingua*, the *Veni Creator*, and the *Salve Regina*, proceeded from the pen of Mr. Dryden. The writer suspects,—but has no authority for saying,—that we owe the beautiful, though loose, translation of the *Stabat Mater*, to the same pen.

A translation beginning with the lines,

“ O God! I love thee, not to gain

“ The joys of thy eternal reign,”

of a celebrated hymn of St. Francis Xavier, was made by Mr. Pope, at Lady-Holt, in Sussex, the seat of Mr. Caryl, to whom Mr. Pope dedicated his *Rape of*

* An eminent catholic bookseller.

the Lock. This was related to the author, by the late Mr. Wheble, a member of the society of Jesus, and a distinguished preacher, who received his information from Mr. Pigott, a member of the same society. It was made at the request of father Brown, a Jesuit, the chaplain of Mr. Caryl.

11. Early in the seventeenth century, *doctor Hawarden*, who had taught theology, for several years, in the English college at Douay, with great applause, came into England, and distinguished himself by many polemic writings, in which there is an union, seldom found, of brevity, accuracy, clearness, order, and close reasoning. They have been printed, in three small volumes. Two of his works deserve a particular notice.—These are, his “*Answer to doctor Clarke, and Mr. Whiston, concerning the Divinity of the Son of God, and of the Holy Spirit; with a summary account of the writers of the three first Ages*”;—and “*Charity and Truth, or Catholics not uncharitable in saying none are saved out of the catholic communion*”.—The first of these works was owing to the following circumstance:

In a more refined, and, if not in a more intelligible, at least in a more specious form, than it had appeared before, the doctrine of the early Socinians, respecting Jesus Christ, was produced, in the beginning of the last century, by doctor Samuel Clarke. Tritheism, Arianism, and Sabellianism, are the rocks, upon one of which the adventurer in the trinitarian controversy, too often splits. Doctor Clarke professed to steer clear of the first, by denying the self-existence of the Son, and of the Holy Ghost; of the second, by maintaining their

derivation from, and subordination to, the Father ;—and of the third,—by maintaining the personality, and distinct agency, of each person of the Trinity.

In his work, “ *The Scripture Doctrine of the Trinity*,” he propounded his system, with great clearness ; and supported it with considerable strength and subtlety of argument. He met a powerful opponent in doctor Hawarden. By the desire of queen Caroline, the consort of George the second, a conference was held by them, in the presence of her majesty ; of Mrs. Middleton, a catholic lady, much in the confidence of the queen ; and of the celebrated doctor Courayer.

When they met, doctor Clarke, at some length, in very guarded terms, and with great apparent perspicuity, stated and explained his system. After he had finished, a pause of some length ensued. Doctor Hawarden then said, that “ he had listened with the “ greatest attention, to what had been said by doctor “ Clarke ;” that, “ he believed, he apprehended, “ rightly, the whole of his system ;—that the only “ reply, which he should make to it, was, asking a “ single question ;—that, if the question were thought “ to contain any ambiguity, he wished it to be cleared “ of this, before any answer to it was returned ; but, “ desired, that, when the answer should be given, it “ should be expressed, either by the affirmative, or “ negative, monosyllable.” To this proposition, Dr. Clarke assented. “ Then,” said doctor Hawarden, “ I ask ;—can God the Father annihilate the Son, “ and the Holy Ghost ?—answer me, yes ; or no.”—Dr. Clarke continued, for some time, in deep thought ;

and then said,—“ It was a question, which he had never considered.”—Here the conference ended.

A searching question it certainly was; and the reader will readily perceive its bearings. If doctor Clarke answered, “ yes,” he admitted the Son, and the Holy Ghost, to be mere creatures. If he answered “ no,” he admitted them to be absolute God.—The writer of these pages has frequently heard the conference thus related, particularly by the late Mr. Alban Butler, and by Mr. Winstanley, the professor of philosophy, at the English college, at Douay.

The other work of doctor Hawarden, to which the writer has called the attention of his readers, “ *Charity and Truth*”, is still more interesting. Those,

Who deal damnation round the land,

On each, they judge a foe,

POPE.

should, for their penance, and improvement, be enjoined to read, once in every week, the second chapter of this excellent work. The result of what it propounds, is,—1st, “ That, whatever be the religious belief of the parents of a person, who is baptized; and, whatever be the faith of the person, who baptizes him, he becomes, in the instant of his baptism, a member of the holy catholic church, mentioned in the Apostles creed :—2dly, That, he receives, in his baptism, justifying grace, and justifying faith :—3dly, That, he loses the former, by the commission of any mortal sin :—4thly, That, he loses the latter, by the commission of a mortal sin against faith; but, does not lose it, by the commission of a mortal sin of any other kind :—5thly, That,

“ without such wilful ignorance, or wilful error, as
 “ amounts to a crime, in the eye of God, a mortal
 “ sin against faith is never committed; and 6thly,
 “ That, except in an extreme case, no individual is
 “ justified in imputing, even in his own mind, this
 “ criminal ignorance, or criminal error, to any other
 “ individual.”

It is to be observed, that the work, from which these propositions have been extracted, is held, by the catholics, in universal esteem; and has been recently re-published, under the sanction of all the Irish prelates.—May it not be asked, whether these tenets be not conformable to the gospel? And whether a greater conformity, in this respect, to the doctrine of the sacred volume, can be found in the tenets of any other church?

Strange as it may be thought, this accurate and learned theologian, was compelled to quit Douay college, on a vague accusation of Jansenism. The late Mr. Wilkinson, the vice-president of the English college at Douay, while it was in the hands of the clergy, showed the writer of these pages, a series of questions put to doctor Hawarden, in consequence of this accusation, with the doctor's answers to them. One of the questions was,—*an Jansenismum unquam probaveris?* The venerable man replied,—*Ne dormiens quidem; nam, vigilantibus, tale facinus excidere non potuit.*—As the writer quotes from memory, there may be some verbal inaccuracy in his statement: but, he is quite sure, that the terms of the answer, were not less strong, than he has represented them.

12. The late doctor Challoner, the vicar-apostolic

of the London district, equally edified the English catholics by his virtues, and instructed them by his writings. He will be most known to posterity, by his "*Garden of the Soul*",—the most popular book of devotion among the English catholics,—*his controversial works*, in three volumes,—and his *meditations*, in two.

His life has been written by doctor Milner; and the late Mr. Barnard, doctor Challoner's vicar-general.

13. It is a just cause of reproach to the English province of the Benedictine monks,—the religious order, to which *doctor Walmesley*, the late vicar-apostolic of the western district, belonged,—that they have not favoured the public with an account of this prelate's profound mathematical researches. He first became known, as a mathematician, by a defence, in one of the foreign journals,—of sir Isaac Newton's doctrine of Fluxions. The essay was received with universal applause; and the academy of Berlin chose the author of it a member of their institute,—an honour, which his modesty declined. In 1747, he entered into the discussions, to which the celebrated problem of the three bodies, at that time, gave rise; and his investigations though scarcely known in his native country, were thought, on the continent, to be on a level with those of Clairaut, d'Alembert, and Euler. While he was thus advancing to the height of mathematical fame, he was appointed vicar-apostolic of the western district: and then, or at least, soon after his nomination to this situation, he gave up entirely his mathematical pursuits. This, it has been said, was owing to his having been once so subdued, while he was celebrating the sacred mysteries, by a

mathematical distraction, as to find himself making diagrams on the linen of the altar, with the paten,—a thin plate, used by the catholic priesthood, in the ceremonies of the altar. It is also said, that when his dereliction of mathematics was mentioned to d'Alembert, the philosopher expressed great concern at the loss, which mathematics would sustain, in consequence of it. He lived in an edifying discharge of every pastoral, and every pious duty, to a very advanced age: but, to the last, if a mathematical subject chanced to be mentioned, his countenance would brighten, and reveal his suppressed affection for mathematic lore. He published some mathematical works, which answer his great reputation; he also published, under the assumed name of Pastorini, a *History of the Church, taken from the Apocalypse, and an Explanation of the Prophecy of Ezekiel*; the former has been translated into the Latin, French, Italian and German languages. The riots, which, in 1780, took place in London, were imitated at Bath: the virtuous prelate was insulted, and his house plundered. He died in 1797.

14. The religious works, which have been noticed, though deserving, on many accounts, to be generally read, had little circulation beyond the catholic pale,—a circumstance, to which the general prejudice, which prevailed, even until the present times, against the catholics, was greatly owing. The first work in favour of the catholics, which attracted general notice, was the *Letters of a real Free-thinker, by Mr. James Usher*, an Irish priest, established in this country. He was the author, likewise of *Clio, an*

Essay on Taste, which is still read, and praised by the writers on this difficult, and delicate subject. It is a dialogue between him and a young lady,—now Mrs. Tighe, the daughter of the late Mr. Duany, of Warfield in Berkshire :—He assured the writer, that he added in the work, but little to what fell from her in the conversation.

In the letters alluded to, the writer assumed for granted, that the assertions, respecting the increase of popery, as he professed to call the catholic religion, were true : and then proceeded to inquire, to what circumstance it was owing, that, notwithstanding all the pains, penalties and disabilities, accumulated on popery ; and all the sermons, and all the writings, against it, popery was ever on the increase. He pursued the inquiry, in the Socratic mode of argument ; and concluded, that the increase of popery proceeded from the frequent falsehood, easily discovered, of the charges brought against it ; and gravely recommended, that these should be abandoned, as rather serving, than injuring, the catholic cause.

“ You learned controvertists,” says the real free-thinker, “ when you attack the church of Rome, “ never fail to assault her, in some point or other, “ in which she is impregnable. You accuse her of “ teaching idolatry, or impiety, or the breach of “ faith with heretics, or the lawfulness of murdering “ them, or some other immorality. This, to be sure, “ gains you a temporary applause, among your zealous “ partisans, and inflames their hatred against papists. “ But, in the mean time, the people themselves, being “ conscious of the falsehood of these charges, are “ confirmed in their religion ; and serious protestant

“ seekers, discovering, by degrees, the same falsehood,
“ are induced to go over to the popish communion.”

The letters, of which we are speaking, appeared in the *Public Ledger*; and were generally read. They have been collected in a small volume; and have had an extensive circulation.

15. We have mentioned the freethinker's letters, as the first publication, which drew the public attention to the catholics. *Mr. Alban Butler's "Lives of the Saints"* had previously made their appearance; and were in the hands of many learned persons of other communions. The erudition, the beauty of the style, the true spirit of religion, and the mild and conciliating language, which pervade the work, edified all its readers; disposed them to be pleased with a religion, in which they saw so much virtue; allayed their prejudices against its professors; and led them to consider the general body with good will. It has been translated into the French, Italian, and Spanish, languages; and, though a bulky, and an expensive, work, has gone through several editions. *Mr. Murphy's* stereotype edition of it, adorned with beautiful engravings, does him great credit; and will probably become a part of every catholic library.—A life of *Mr. Alban Butler*, composed by his nephew, the writer of these pages, has been published, and has gone through several editions. It is prefixed to *Mr. Murphy's* edition of “*The Lives of the Saints.*”

Mr. Alban Butler's style is peculiar to himself; partaking more of that of the writers of the 17th century, than of the style of modern writers. *Mr. Gibbon* mentioned it to the present author, in terms of great commendation. Speaking of the *Lives of the*

Saints, he calls it *, “ a work of merit,—the sense and “ learning belong to the author,—his prejudices are “ those of his profession.” As it is known, what prejudice means in Mr. Gibbon’s vocabulary, Mr. Alban Butler’s relatives accept the character.

16. Few have contributed more to dispel the public prejudice against the catholics, than the late *Father O’Leary*.—He had essentially served the English government, by his exertions to tranquillize the spirit of lawlessness and outrage, which, at this time, had begun to show itself, in many parts of Ireland. The government rewarded his services, by a pension of two hundred pounds a year ; but, fearful of his ascendancy over the Irish peasantry, annexed a condition, that he should reside in this country. In his writings against Dr. Woodward, the bishop of Cloyne, and the celebrated Mr. Wesley, he displayed great powers, both of argument, and of ridicule. His answer to the former,—who quarrelled with purgatory,—“ that he “ might go farther, and fare worse,” is generally known. The appearance of Father O’Leary was simple. In his countenance, there was a mixture of goodness, solemnity, and drollery, which fixed every eye, that beheld it. No one was more generally loved, or revered ; no one, less assuming, or more pleasing, in his manner. Seeing his external simplicity, persons, with whom he was arguing, were sometimes tempted to treat him cavalierly ;—but, then, the solemnity, with which he would mystify his adversary, and ultimately lead him into the most distressing

* History of the Decline and Fall of the Roman Empire, vol. iv. p. 457. 1st edit. 4to.

absurdity, was one of the most delightful scenes, that conversation ever exhibited.

17. *Dr. Thomas Hussey*, the catholic bishop of Waterford,—will long live in the memory of his friends:—a man of great genius; of enlightened piety; with manners, at once imposing and elegant; and of enchanting conversation. He did not come into contact with many, whom he did not subdue: the highest rank often sunk before him. He accompanied the son of the late sir John Webb, on his travels: but the youth travelled with him, not he, with the youth. During their continuance at Vienna, a negotiation was on foot between the emperor and the Porte; and the wise Joseph, in his usual manner of affecting great business, was for ever saying, “*J’attends un courier de Constantinople.*”—This was so frequently repeated, that it became a kind of *sobriquet* among the courtiers. At this time, the treaty for the peace, between England and America, was first opened. It happened, that, on receiving some propositions from America, the house of commons adjourned for a fortnight. “*Mais donc,*” said the emperor to Dr. Hussey, “*Expliquez, moi cela.*—“You are panting, and dying, for a peace. At length she advances towards you; and instead of running up to her, and embracing her, you adjourn for a fortnight: *Expliquez donc cela.*”—“*Mais, cela est clair,*” said doctor Hussey, “*c’est, que nous attendons un courier de Constantinople.*”—The expression got into the mouth of every one; and for three days, doctor Hussey was the first man in Vienna.

His eloquence in the pulpit was really great ; but it rather subdued, than satisfied reason. - The writer of these pages was present, at a sermon, which he preached, on the small number of the elect. Copying Massillon, he asked, “ whether, if the arch of heaven “ were to open, and the Son of Man, bursting from “ the mercy in which he is now enveloped, should “ stand in that chapel, and judge his hearers,—it “ were quite certain, that three, or even two,—nay, “ trembling for myself, as well as for you !—is it quite “ certain that *even one of us !* ”—exclaimed the doctor in a voice of thunder,—“ would be saved ? ”—During the whole of this apostrophe, the audience was agonized. At the ultimate interrogation, there was a general shriek,—and some fell on the ground.—This was the greatest triumph of eloquence, that the writer has ever chanced to witness :—but, as he has before observed, it rather subdued, than satisfied. It has been truly remarked, that the priest, having the invisible world, on which to place his lever, has the $\pi\tilde{x}\sigma\tilde{\omega}$, which Archimedes wanted, and may therefore move the visible diurnal sphere, *and all that it inherit*, at his pleasure.

Doctor Hussey had many excellent qualities. Among these, were his warm attachment to his friends, and his sincere love of his native country. The establishment of Maynooth college was principally due to him. When Spain joined France, during the American war, doctor Hussey was chaplain to the Spanish embassy. The Spanish ambassador quitted England, on a sudden ; and left some unsettled concerns to the doctor’s management. This circumstance occasioned

communications between him and the ministers, and these availed themselves of the intercourse to set on foot, through him, a negociation to detach the court of Spain from the French alliance. In order to effect this, the doctor, at the desire of the ministry, made two journies to Madrid. The negociation indeed failed; but the ministers were satisfied with his conduct; and his majesty expressed his approbation of it, and always mentioned doctor Hussey with regard.

On the settlement of Maynooth college, the doctor was appointed its first president; and was afterwards instituted to the catholic see of Waterford. About this time, the ferment, which was followed by the Irish rebellion, began to appear. Doctor Hussey addressed to his flock a pastoral letter,—some passages of which gave offence. *Mr. Plowden's Historical Review*, vol. iii. p. 284, contains this address; with two letters from Mr. Burke to doctor Hussey upon it, expressing a clear opinion, that the doctor's letter was unobjectionable. Offence, however, was taken; and the doctor removed from the presidency of Maynooth. This, and the coolness, which, in consequence of the ministerial displeasure, doctor Hussey experienced from some, who should, he thought, have treated him more kindly, pressed upon his spirits; and he closed a long, and useful life,—much loved and much respected,

————— with a sigh, to find
The base ingratitude of low mankind.

POPE.

18. A style of preaching very different from that of doctor Hussey, has been adopted by *the reverend*

James Archer. It has been *his* aim, to satisfy reason, whilst he pleased, charmed, and instructed her ; to impress upon the mind just notions of the mysteries, and truths of the gospel ; and to show, that the ways of virtue are the ways of pleasantness, and her paths the paths of peace. No one has returned from any of his sermons, without impressions favourable to virtue ; or without some practical lesson, which, through life, probably in a few days, perhaps even in a few hours, it would be useful for him to remember. When we recollect, that this is the 34th year of Mr. Archer's predication ; that he has preached, oftener than fifty-two times in every year ; and that, in the present, his hearers hang on all he says, with the same avidity as they did in the first, we must think it difficult to find an individual, to whose eloquence, religion has, in our times, been so greatly indebted.

We should also find it difficult to name one, who has been more instrumental in removing, from protestant minds, their general prejudices against the communicants with the see of Rome. To almost every protestant library, and to many a protestant toilet, Mr. Archer's sermons have found their way. What better missionaries to enlighten, or to conciliate general good will, can the catholic desire ?

19. The *sermons* of Mr. John Fletcher, the roman-catholic pastor at Weston Underwood, are entitled to the highest praise ; the first volume, particularly, deserves the perusal of every protestant, and every catholic, who thinks seriously on the subject of religion. The sermons contained in it are less calculated for the pulpit than the closet ; *there*, whoever

peruses them seriously, will be equally charmed with their mild, unambitious eloquence, their pure morality, and their persuasive reasoning. Such, we may suppose was the eloquence, the morality, and the reasoning of St. Francis of Sales. To these sermons, Mr. Fletcher had precluded by his *Essay on the spirit of Controversy*. He has lately published a *Translation, accompanied with Notes, and an ingenious Preface, of Bossuet's Exposition of Faith*. Both these works, every English catholic must wish to see in the hands both of the advocates and adversaries of his cause.

20. *Homilies on the Book of Tobias*,—in a series of *Instructions*, have been recently published by the reverend Francis Martyn. They are excellent,—abounding in instruction, and expressed with elegance and perspicuity.

XLV. 2.

Poets.

1. MAY the writer premise a suspicion, which, from internal evidence, he has long entertained, that *Shakspeare* was a roman-catholic?—Not one of his works contains the slightest reflection on popery; or any of its practices; or any eulogy on the Reformation. His panegyric on queen Elizabeth is cautiously expressed; while queen Katharine is placed in a state of veneration; and nothing can exceed the skill, with which Griffith draws the panegyric of Wolsey. The ecclesiastic is never presented by Shakspeare, in a degrading point of view.—The jolly monk, the irregular nun,

never appears in his drama. Is it not natural to suppose, that the topics, on which, at that time, those who criminated popery, loved so much to dwell, must have often attracted his notice, and invited him to employ his muse upon them, as subjects likely to engage the favourable attention, both of the sovereign, and the subject? Does not his abstinence from these justify a suspicion, that a catholic feeling withheld him from them? Milton made the gunpowder conspiracy the theme of a regular poem *: Shakspeare is altogether silent on it. This conjecture acquires additional confirmation from the undisputed fact, that John Shakspeare, the father of the poet, lived and died in communion with the church of Rome †.

2. *Dryden*,—the catholics may undoubtedly claim:—Nor should it be forgotten, that, as soon as he became a member of their communion, he moralized his song; and atoned by useful and serious works, for the licentiousness of his earlier muse. As a controversial poet, he is unequalled; and the catholic feels, with pleasure, that the ablest of controversial poems are written in the defence of catholicity.

3. *Pope*,—also belongs to the roman-catholics,—although he admitted into his writings some expressions, which the catholic cannot approve;—and although the system, on which the *Essay on Man* is

* In quintum Novembris, anno ætatis 17.—He concludes it,

——— Quintoque Novembris,

Nulla dies toto occurrit celebratio anno.

† See his “last spiritual will, testament, confession, protestation, and confession of faith,” (in which he declares himself “an unworthy member of the Roman Catholic Religion,”) in Reed’s *Shakspeare*, vol. iii. pp. 199, 205; or in Dr. Drake’s elaborate work on *Shakspeare and his Times*, vol. i. pp. 9—14.

built, may be irreconcilable with sound theology. He was seduced into the latter by *the all-accomplished St. John*. But, it is probable, that he himself was not aware of all its bearings and consequences. In the latter part of his life, he was regular in his attendance at divine service; and usually assisted at the celebration of the mass, in a private chapel of lady Peterborough. In his last illness, he was assisted by a catholic priest.

4. *Crashaw*,—and several of

The mob of gentlemen who wrote with ease,

POPE.

in the reign of Charles the second, were catholics. But it is needless to mention names, which the public has long since forgotten. It may, however, be added, that Mr. Hamilton, the author of the “*Braes of Yarrow*,” one of the most beautiful ballads in the Scottish language,—and of several other poems (published in a thin duodecimo volume), was a catholic. He is said to have died young.

XLV. 3.

Historians.

1. AT the head of these, we must place “*The Church History of England, from the year 1500 to the year 1688, chiefly with regard to Catholics, Brussels, 1737,*” three volumes folio, by Mr. Dodd, formerly the catholic pastor at Harvington, a seat of the Throckmorton family in Worcestershire. “In the “*compilation of this work,*” says Mr. Berington,

in his preface to the *Memoirs of Panzani*, p. 17, “ he spent almost thirty years. It contains much “ curious matter, collected with assiduity, and many “ original records. His style, when the subject “ admits expression, is pure, and unencumbered ; “ his narration easy ; his reflections just and liberal. “ I have seldom known a writer, and that writer a “ churchman, so free from prejudice and the de- “ grading expressions of party zeal.” The answerer of the *Memoirs of Panzani* is far from admitting the impartiality, ascribed by Mr. Berington to Dodd. But all must allow that, at the time, in which Dodd executed his compilation, few writers, on catholic affairs, possessed in a greater degree, than Dodd, that absolute impartiality, which is the essential quality of an historian.

The attention, which in the composition of these pages, the writer has given to Dodd’s history, has increased his opinion of the value, and importance of his work. Mr. Kirk, the catholic pastor at Lichfield, is now preparing a continuation of it to the present times. A work more interesting to the catholic body ;—or a person better qualified to do it justice, could not have been selected.

Remarks on Mr. Dodd’s Church History were published under the title of “ A specimen of amendments candidly proposed, to the compiler of a “ work which he calls, *The Church History of “ England, from the year 1500, till the year 1688. “ 8vo. 1741.*” To this Mr. Dodd replied by “ An “ Apology for the Church History of England, from “ 1500 till 1688 ; printed in the year 1737 ; being “ a reply to a quarrelsome libel, intituled *A specimen*

“ of Amendments, &c. Under the fictitious name
 “ of Clerophilus Alethes. 8vo. 1742.”

Of Mr. Dodd's work, the following just character has been given by the accurate Mr. Chalmers.
 “ Having had repeated occasion to consult it, we
 “ are ready to acknowledge our obligations for
 “ information derived from this history, which
 “ cost the author the labour of thirty years.
 “ His materials are perhaps not well arranged,
 “ and he was himself, we are told, so dissatisfied,
 “ as with his own hand to copy this voluminous
 “ work into two or three different forms.” This
 “ history” (Mr. Chalmers adds), “ remained for
 “ many years almost unknown, and we can re-
 “ member when it was sold almost at the price of
 “ waste paper. Its worth is now better ascertained;
 “ and the last copy offered for sale, belonging to the
 “ marquis Townshend's library, was sold for ten
 “ guineas*.”

2. Long before the appearance of this history, an historical work, to which we have often referred, had been published by Dr. *Pattenson*, physician to Charles the first, intituled, “ *Jerusalem and Babel, or the Image of both Churches; being a treatise, historically discussing whether Catholics, or Protestants be the better subjects; by P. D. M.*” 8vo. London: 2d edit. 1653.” In a short compass, it comprises much useful information, and many excellent observations, arranged methodically, in a style always perspicuous, and generally elegant. A new edition of it, enlarged by references and subsidiary

* Chalmer's *Biographical Dictionary*, vol. xii. p. 147.

illustrations, would be a very valuable present to the English catholics.

3. *Mr. Hooke*, the author of the *Roman History*, in four volumes, quarto, 1738;—perhaps the best modern history of that interesting people,—was a catholic.—His son was librarian of the Sorbonne. Having, in that capacity, signed the approbation of a thesis, in which some infidel doctrine was insinuated, he fell into disgrace; and was removed from his office. He made it quite clear, that he had approved of the thesis, as a matter of form; and without having read it; and that such for many years, had been generally the case, in regard to such approbations. His apology was not received. To wipe, therefore, this stain away, he published his *Religionis Naturalis et Revelatæ Principia*; 3 vols. 8vo. Paris, 1714; a work, held in the highest esteem on the continent; and which deserves to be generally known and read in England.

4. Another historic effort of a catholic pen, was the “*Life of Cardinal Pole*,” by the reverend *Mr. Philips*, canon of *Tongres*. It is the work of a gentleman, and a scholar. The history of the times occupies a considerable portion of it; but is always made subordinate to the principal figure in the scene. It is perhaps impossible to mention a work, in which a biographical history, on this plan, has been more ably executed.

5. To *Dr. John Milner*, who was then catholic pastor at Winchester, but who has since been appointed vicar-apostolic, in the midland district, we owe a learned and interesting “*History of Winchester*,” now in its second edition. All our antiquaries assign

to it a very high place among the topographical histories of their country; and the catholics feel particular obligations to him, for having availed himself of every opportunity of exposing the general groundlessness of the accusations, brought against the members of their communion, on the subjects, which fell under his consideration. On these occasions, he frequently exposes the errors of Hume. The same is done by the author of the Anglo-saxon history, mentioned in the following page. This continual inaccuracy of Hume, has been frequently observed by the writer, in preparing this compilation. Countless, as may be the beauties, which Gibbon ascribes to Hume, he certainly has no claim to praise, for that minute and persevering attention to facts and dates, which is a primary duty of an historian.

The History of Winchester was followed by *Dr. Milner's "Letters to a Prebendary, being an Answer to Reflections on Popery, by the reverend J. Sturges, LL.D. Prebendary and Chancellor of Winchester, and Chaplain to his Majesty; with Remarks on the opposition of Hoadlyism to the Doctrines of the Church of England; and on various publications, occasioned by the late Civil and Ecclesiastical History of Winchester, 1800,"* 4to. The service, which this work has rendered to the catholic cause, is very great. The writer of these pages acknowledges with pleasure and thanks, the use, which it has often been to him, in this compilation. The Letters to a Prebendary are now in the sixth edition.—The Irish catholic and the man of letters are equally obliged to doctor Milner, for his "*Inquiry into certain vulgar opinions concerning*

“ *the Catholic Inhabitants, and the Antiquities of Ireland, in a series of Letters from thence, addressed to a protestant gentleman in England.*” 8vo. 1808.—He has recently favoured the public with *The End of Religious Controversy*, a polemic work of no ordinary power.

6. To Mr. Joseph Berington, the public is indebted for several historical works. “ *The History of Abeillard and Eloisa;*” the “ *History of Henry the Second;*” and the “ *History of the middle Ages,*” are, all of them works of a vigorous and discerning mind; stored with useful, curious, and extensive learning. His “ *State, and Behaviour, of the English Catholics,*” published in 1780,—his “ *Memoirs of Panzani,* published in 1793, and the *Answer to the last of these works by Mr. Charles Plowden,* in 1790, have been repeatedly cited, in the course of this work. The writer here gratefully acknowledges his obligations to them.

7. Mr. Lingard’s work, intituled, “ *Antiquities of the Anglo-Saxon Church,*” is a valuable accession to catholic literature. It is the production of taste, learning, science and philosophy;—but of that philosophy, which religion brings from heaven. Every intelligent reader will hear with pleasure, that we may soon expect, from the same learned, enlightened and religious pen, a “ *History of England from the Invasion of Julius Cæsar, to the Accession of the House of Tudor.*” Let it be hoped that he will continue it to the present time. We predict, that it will be found a most important acquisition, both to English history and English literature.

8. Mr. Plowden’s “ *Historical Review of the State*

of Ireland, from the Invasion of that Country, under Henry the Second, to the Union of Great Britain ;," in 2 vols. generally bound in three, was published, in 1803. It is an invaluable repository of useful fact, and observation ; and is the only work, that gives a true picture of the injury and oppression, which the catholics of Ireland have suffered from this country. Considering the short space of time, in which the author executed this work, it is a surprising performance ; it shows great ability. Two events in Irish history,—the massacre in 1641, and the Irish remonstrance, should be elucidated. Doctor Curry, in his "*Historical Review of the Civil Wars in Ireland,*" throws great light on the former ; and proves to demonstration, that, in the crimination of the catholics on this subject, there has been great exaggeration.

XLV. 4.

Lawyers.

GREAT advantages, in the times, to which these pages relate, the English catholics derived from those members of their communion, who were eminent in the profession of the law. The personal consideration which they acquired, contributed powerfully to remove much of the national prejudices against their brethren in faith.

1. The first of these was *Mr. John Austin*.—In his profession, he was highly regarded.—He published several works, on the concerns of the catholics. The most popular of these, was, his *Christian Moderator*, in three parts. He frequently attacks, in it, the doctrine of the pope's deposing power. The work,

by which he is best known is, his *Devotions in the form of ancient Offices*. It has been frequently republished. An edition of it was published by the celebrated doctor Hicks, for the use of his protestant congregation. From the publisher of this edition, it is generally known, among protestants, by the name of *Hicks's Devotions*. Mr. Austin was also the author of *The four Gospels in one*, in short chapters, with a verse, and prayer, at the end of each,—an useful work, deserving to be reprinted and generally read.

2. In his professional eminence, he was succeeded, and surpassed, by *Mr. Nathaniel Piggott*. This gentleman was called to the bar, in 1688. The statute of 7th and 8th of William and Mary, interdicted the bar to the catholics; so that, after Mr. Piggott, no catholic was called to the bar, till 1791, when it was again opened to them. For several years, Mr. Piggott practised, as a chamber-counsel. In the conveyancing branch of the law, his eminence was undisputed. Several of his manuscript opinions show his profound learning. He left a manuscript *Treatise on Recoveries*, which was published, after his decease; and has not been superseded, by the valuable treatises on the same subject, by Mr. Cruise, and Mr. Preston.

3. His successor in eminence, in the same branch of the law, was *Mr. James Booth*,—acknowledged to be the father of the modern practice of conveyancing. He was not the author of any work; but his written opinions were given, at great length, and are very elaborate. They are held in great esteem; and always mentioned at the bar, and from the bench, with great

respect. The copies of them are numerous ; and, in the work, intitled “ *Printed Copies of Opinions of eminent Council,*” several of them found their way to the press.

4. When Mr. Booth was on the decline, Mr. Duane rose to considerable eminence ; respectably skilled in his profession, and singularly industrious. He was the editor of Mr. Fitzgibbon’s *Reports* ; and supplied the publisher of Bacon’s *New Abridgment*, with the article, “ *Common.*” He was a polite Scholar ;—of acknowledged taste, in painting and music ; and the most skilful medallist in England. His collection of medals was famous over Europe. He sold his cabinet of Syriac medals to Dr. Hunter ; by whom it was bequeathed to the university of Glasgow. He had engravings made of several of his medals and of some drawings, by the late Mr. Hussey of Marnall. He paid the artists, whom he employed, with great liberality.

Mr. Hussey, whom we have just mentioned, was a painter of some eminence ; but failed in his colouring ; in design, he attained great celebrity ; and might have reached the summit of his art, if he had not bewildered himself in fanciful speculations, on the triangle, and its visible and invisible perfections.

Other artists of eminence were catholics : among them we may mention Mr. Scheemacker, to whom the public owes the beautiful bust of Shakspeare in Westminster Abbey ; and Mr. Moore, the sculptor of Mr. Beckford’s statue in Guildhall.

Several other English catholics, during the period embraced by these pages, cultivated literature and the

polite arts, with success.—It is hoped that the improvement of the preceding outline will be supplied by some person, better qualified than the present writer, to do justice to the subject. Of the defect of his attempt, none of his readers can be more sensible than the writer himself.

5. Since the former sheets went to the press, the writer has seen and perused with great pleasure,—*“ St. Peter’s Complaint, and other Poems, by the reverend Robert Southwell, reprinted from the edition of 1595, with important additions from an original manuscript; and a sketch of the author’s life; by Mr. Jos. Walter, late of St. Edmund’s College. Keating, Brown, and Co.”* By a note prefixed to it, the editor informs his readers, “ that, should that “ re-publication meet with encouragement from the “ public, it is his intention, to make that volume the “ first of a series of ‘ *Select Beauties of catholic literature,*’—each volume to contain an entire work “ of itself.” It is hoped that the general body of English catholics will patronize a work, which promises to do them great honour; and to contain much pleasing and interesting matter. From the account of Mr. Southwell, prefixed to his works by the editor, it appears that he was a member of the society of Jesus, and that, after an imprisonment of three years, he was executed, on the 21st of February 1595, for no other crime, than the exercise of his missionary functions*? “ When the hangman,”—says his

* An elegant and interesting account of the life, virtues, sufferings and execution of father Southwell, is given by father Juvençî, (*Hist. Soc. Jesu*, lib. xiii. §. 3.) He mentions that the

biographer,—“ was for cutting the rope, before he
 “ was dead, the gentlemen that were present, cried
 “ out three several times, ‘ hold ! hold ! ’ For the
 “ behaviour of this servant of God, was so edifying, in
 “ these, his last moments, that even those of a diffe-
 “ rent way of thinking, who were present at his
 “ execution, were much affected with the sight.
 “ After he was dead, he was cut down, bowelled and
 “ quartered. Thus was cut off, in the flower of his
 “ life, a man, whose virtues were worthy of his pro-
 “ fession ; and who, in point of talent, bade fair to be
 “ one of the greatest literary ornaments of his age
 “ and country.”—Sir Egerton Brydges, in his *Cen-
 sura Literaria*, observes that, “ a deep moral pathos,
 “ illumined by fervent piety, marked every thing
 “ Southwell wrote, either in prose or verse. There
 “ is something singularly simple, chaste, eloquent
 “ and fluent, in his diction on all occasions.”

The account, which, in a letter copied in the publication we have mentioned, father Southwell gives of the sufferings of the catholic priests in prison, must shock every humane reader. “ A little while ago,” says the reverend writer, “ they apprehended two
 “ priests, who have suffered such cruel usages in the
 “ prison of Bridewell, as can scarce be believed.
 “ What was given them to eat, was so little in

reverend father was racked several times, and sometimes during seven hours, without intermission, by the direction and under the inspection of Topcliffe the pursuivant ; that the circumstance becoming public, excited general indignation ; and that Cecil, caused Topcliffe to be confined, for having, as the minister alleged, exceeded his orders.

“ quantity, and withall so filthy and nauseous, that the
 “ very sight of it was enough to turn their stomaebs.
 “ The labours, to which they obliged them, were
 “ continual and immoderate ; and no less in sickness
 “ than in health ; for with hard blows and stripes,
 “ they urged them to accomplish their tasks, how
 “ weak soever they were.—Some are there, hung up
 “ whole days by the hands, in such a manner that
 “ they can but just touch the ground with the tips
 “ of their toes. In fine, they that are kept in prison
 “ truly live in *lacu miseriæ, et in luto fæcis*. *Psalm*
 “ 39. This purgatory, we are looking for every
 “ hour, in which Topcliffe and Young, the two exe-
 “ cutioners of the catholics, exercise all kind of tor-
 “ ments. But come what pleaseth God, we hope
 “ we shall be able to bear all in him, that strengthens
 “ us.”

This letter is dated the 16th of January 1590 ;—
 seventeen months after the memorable display of
 catholic loyalty, while England was threatened by the
 invincible Armada.

XLV. 5.

The Sacred Music of the English Catholic Church.

1. HAVING mentioned the success of the English
 catholics in polite literature and the polite arts, their
 sacred music may be slightly noticed. *Doctor Arne*,
 the greatest of English musicians, (at least, if we ex-
 cept *Purcel*), was a roman-catholic. His music for
Comus and *Artaxerxes* has always enjoyed public

favour. His ballads, containing an agreeable mixture of Italian, Scottish and English melody, have not been surpassed, and seldom equalled. He composed for the choir of the Sardinian ambassador, two masses, —one in four, the other in three parts ;— the latter did not please. The former was exquisite ; it is, what all church music should be, solemn and impressive ; the harmony, correct and simple ; the melody slow and graceful. Unfortunately, the thinness of the catholic choirs, in those times, made them drop the contra-tenor and tenor parts, and sing only the canto and base. This entirely spoiled the beauty of the composition.

2. The late *Mr. Samuel Webbe*, a distinguished composer of serious glees,—and though not the first, certainly in the very first line of that scientific and pleasing branch of music, is father of the modern English school of catholic church music. In addition to his profound musical skill, he acquired a respectable degree of knowledge of the French, Italian, Latin, Greek and Hebrew languages. He was such a master of the Italian language, that once on an emergency, he performed the part of Mengotto in the *Buona Figliuola* ; and so well versed in the Hebrew language, that the rabbi Uzzielli mentioned to the writer, that he never knew a gentleman, who had acquired so perfect a pronounciation of that language, according to the vowel points. On the writer's expressing his surprise to Mr. Webbe, at his having acquired so much extraneous knowledge, notwithstanding the great professional demand on his time, he answered, it was “ by “ a rigid observance of two rules,—never to let a

“ bit or scrap of time, pass unemployed,—and, what—
“ ever he did, to fix his whole mind upon it.”

3. During the short reign of James the second, *Signor Bassani* was the maestro di capella of the catholic service of the chapel royal : he composed two volumes of motets for single voices ; two of these motets, “ *Aligeri Amores*,” and “ *Quid Arma*,” “ *Quid Bella*,” were frequently sung in private concerts, till the middle of the last century.

4. *Mr. Defesch*, the organist of the Venetian ambassador, was eminent in his time ;—and, from an oratorio which he composed, *Mr. Barbant*, an Hanoverian, the organist of the Bavarian ambassador, acquired a temporary celebrity. After this, the music of the catholic choirs fell to the lowest possible state. It was revived by *Mr. Webbe* ; but, having generally an imperfect choir to execute his compositions, he seldom struck the higher chords.

5. Some of the finest services of Haydn and Mozart, and recently a service composed by signor *Garçia*, and rivalling both the exquisite elegance, and entrancing pathos of Pergolesi, are now excellently performed at the Bavarian chapel. Even in this era of musical excellence, it may be doubted whether those, who have not attended that service, performed as it now is, by *Begrez Garçia*, and *Naldi*,—have heard the most perfect singing, which England possesses. It may be added, that, for perfect organ accompaniment, a catholic may confidently stake *Mr. Novello*, the organist of the chapel of the Portuguese, against all England.

But, with great veneration for the excellence, both of the composers and performers of these sacred strains,

the writer has no hesitation in expressing a decided wish that the antient Gregorian song was restored to its pristine honours.

It is probable, that the church received its music from the synagogue. Of the Greek music we have but little knowledge. The only qualities of it, which we know with certainty, are, that it was governed by rhythm, and that quarter-tones made a part of its regular vocal scale. Now rhythm finds no place in the Gregorian chaunt, nor did quarter-tones ever obtain admission into it. This seems to negative the notion that the Gregorian chaunt is of Greek extraction, and renders its Judaic origin more probable. From the attention which St. Ambrose, the archbishop of Milan, paid to the musical service, it was called the Ambrosian chaunt: Pope Gregory the great improved on it, and from him, it acquired the appellation of the Gregorian song. It consists of eight tones: four are called authentic; four are said to be plagal; the introduction of these is the improvement, supposed to have been made on the Ambrosian chaunt, by St. Gregory. The authentic tones are confined to an octave; the plagal ascend from the higher octave to the fourth above.

The plagal tones suggested fugue and reply, the essence of modern music.

A practical knowledge of the ecclesiastical tones is easily acquired; the theory of them may be said to have hitherto, in a great measure, eluded discovery. The chaunts of the psalms are very simple, yet the changes of chords in them imply a modulation, sometimes natural, sometimes learned, but always pleasing. This leads to a subject, not yet fully investigated,

though very curious, whether a composer of simple melody, but ignorant of harmony, is, in any manner influenced, unknown to himself, by what we should consider its proper base accompaniment.

If Guido Aretino did not invent, he certainly gave fashion and currency to the gamut, and to descant, or music in parts. The Flemish musicians improved it : but, in their hands, it became complicated ; their compositions, therefore, however they might satisfy the eye, did not please the ear. So much was this the case, that, to furnish something, which should attract the ear, they often, even in church music, made a known secular or ecclesiastical air, serve as a ground for an elaborate superstructure of three, four, and sometimes five parts. The bold, (they may be even called, elegant) innovations of Palestrina, introduced melody into this species of composition ; a person accustomed to counterpoint will always hear his superb *Exultabo* with delight,—still, all such music is caviar to the multitude. The same may be nearly said of the motets of Steffani,—(his motet *qui diligit Mariam*, is perhaps the finest piece for single voices, existing in any language),—and of the fine cathedral anthems of the English established church. Sacred music in the modern Italian style is more pleasing ; but it is little calculated to promote devotion, the only legitimate object of music composed for the church.—*There*, let that music, and that music only be performed, which is, at once, simple, and solemn, and which all can feel, and in which most can join. Let it be strictly confined to pure melody ; let the congregation be taught to sing it in exact unison, and with subdued voices ; let the accompaniment be full and chaste, never

overwhelm the voice ; and, if it can be managed, in chaunting the psalms, let the trebles and tenors sing alternately :—In a word, let it be the Gregorian song, sung as it is,

“ Where taste and Jerningham direct the scene.”

Album at Cossey.*

* Near Norwich :—The seat of the most revered and most amiable family of Jerningham.

Surely justice will at length be done to their claim to the Stafford peerage !

We have noticed, in a preceding page, the trial and execution of the viscount Stafford, from whom sir George Jerningham, the actual claimant of the Stafford peerage, lineally descends. On the 25th of May 1685, about five years after it took place, a bill was brought into the house of lords, for reversing his lordship's attainder, on the ground of innocence. According to the journal of the lords for that day, the bill “ was offered to the house, by “ the king's allowance, and signed by his majesty.” On the fourth of June, the bill was read a third time, and passed.—In the preamble, it is said to be, “ then manifest, that the viscount was “ innocent of the treasons, laid to his charge ; and that the “ testimony, on which he was convicted was false.” On every day, upon which the bill was under discussion, there was a very full attendance ; ninety-eight peers, including eighteen bishops, attending and assenting. It was read twice, in the house of commons, and committed for the 12th of June 1685.—Here, unfortunately, the proceedings closed. On the 13th, the king communicated to both houses, the news of the landing of the duke of Monmouth ; and on the 2d of July, both houses by his command adjourned, and met no more, till their assembling at the revolution. In the interval, the king created Henry Stafford Howard, the eldest son of the unfortunate viscount, an earl, and conferred the rank of countess on his mother,—describing her as *Mary, Baroness of Stafford, widow of William late Viscount Stafford*.—The patent of their creations has this remarkable preamble :—“ Seriously considering the misfortune, condition, and “ unhappy state of Henry Stafford, eldest son of William Viscount “ Stafford, who was impeached of high treason and convicted,

And let it be accompanied by a Novello :—A service, thus performed, will excite the finest feelings of piety, promote rational devotion, and, in time, equally satisfy the scientific and the unlearned. Thousands quitted France to sing the psalms of Marot : would any have quitted it, to hear the psalms, though exquisitely beautiful, of Marcello ? If the evangelical sects gain so much on the establishment, is it not, in some measure, owing to the superior attraction of their music, and that a part in it is allowed to every one, who will bear a part in it ?

“ and put to death on the testimony of oaths of certain abandoned
 “ persons, as to all is now sufficiently manifest, of whom one of
 “ them who was the leader, (Titus Oates), has been lately found
 “ guilty of perjury, and is yearly to undergo the punishment of
 “ so great a crime, and that he the aforesaid Henry is paternally
 “ born of the most illustrious and noble family of the Mowbrays
 “ and Howards Dukes of Norfolk, and maternally, of the most
 “ illustrious and most ancient race of the Staffords Dukes of
 “ Buckingham, great constables of England, through the marriage of Anne, daughter and heir of Thomas of Woodstock, sixth son of our most glorious ancestor king Edward the third, and Duke of Glocester and Earl of Buckingham, with Eleanor, eldest daughter and coheir of Humphrey de Bohun, Earl of Hereford, Essex and Northampton, and great Constable of England,—We,” &c. &c.

It is observable, that, in the debates on the continuance of Mr. Hastings's impeachment, all parties, however differing in other points, agreed, that Oates's popish plot was an imposture ; and that lord Thurlow called the execution of lord Stafford a legal murder. Surely every rule of national justice, every principle of national honour, every feeling of national or individual humanity, calls on the legislature for a reversal of his attainder. May it not be confidently asked, if, in the annals of this kingdom, there be a single instance of the reversal of an attainder, which approached nearer,—for it never can quite become—a claim of strict right ?

CHAP. XLVI.

HISTORICAL MINUTES RESPECTING THE IRISH
CATHOLICS, TILL THE REVOLUTION.

IT was the wish of the writer of these pages, to insert in them, some account of the principal events in the history of the catholics in Ireland, since the reformation ; but, he was prevented by want of leisure and want of materials. While it was in his contemplation, he collected, from the best sources, which were within his reach, the following minutes. They may be found to contain ;—Some miscellaneous information, I. On the state of the Irish, previously to the reign of Henry II : II. On the state of the Irish, between the reigns of Henry II. and Henry VIII : III. On the condition of the Irish catholics in the reigns of Henry VIII, Edward VI, queen Mary, and queen Elizabeth : IV. On their condition under James I : V. On their condition during the first part of the reign of Charles I. : VI. On the massacre, in 1641 : VII. On the confederacy of the Irish catholics in 1642 : VIII. On the interference of the pope's nuntio in the proceedings of the supreme council of the confederates : IX. On the confiscations made by Cromwell ; and the arrangements of Charles II. respecting them : X. On the Irish Remonstrance, or the Declaration of Allegiance, presented by several Irish catholics of distinction, to Charles II, in 1661 : XI. On father Peter Walsh, the promoter and historian of the remonstrance : XII. On the confiscation

of Irish catholic property, in 1688: XIII. And on the Irish brigade.

XLVI. 1.

Remarks on the state of the Irish before the reign of Henry II.

A CONSIDERABLE difference of opinion now prevails among the learned, respecting the early civilization and refinement of the Irish nation. At present, the tide of public opinion is unfavourable to them; but the subject is far from being exhausted; and the author conjectures, that farther and more impartial discussion will lead to a different conclusion.

It is greatly to be wished that some gentleman of equal learning, discernment and impartiality, would investigate a subject, which yet remains to be fully and candidly explored, the antient civilization of Ireland, and the state of its literature and science, during the early part of the middle ages. The learning, the piety, and the manners of our Saxon ancestors, before the invasion of the Danes, had, fortunately for their memory, and for our edification, been preserved by the venerable Bede:—such an historian of its contemporaneous annals, appears to have been wanting to Ireland.—It should also be noticed, that in England, the confusion, which followed the Danish invasion, was terminated by the Norman conquest; the arts and sciences were, from this time, always in a progressive state of improvement; and there were never wanting those, who investigated and transmitted to posterity, memorials of their own and of former times.

During the same period, Ireland was divided into many states; and the chieftains lived in a continued state of predatory warfare. It may even be asserted, that, till the accession of James the first, the condition of Ireland, with the exception of the small part of it within the English pale, was nearly in the same state as that of England, from the invasion of the Danes, till the Norman conquest. The consequence was, that,—to use the expression of an able writer,—“Few histories are so charged with fables, as the annals of Ireland*.”—To separate the fabulous from the probable, and the probable from the true, will therefore require no ordinary share of penetration and persevering industry; but there is great reason to conjecture that, whenever it shall be done, the result will be favourable to what has been suggested respecting the antient civilization and early literature of this very interesting but much abused country.

At all events, three circumstances are clear: 1st. The schools of Ireland were frequented by crowds of students from Britain, France, Flanders, and Germany.—Bede, (lib. iii. sect. 17), informs his readers, that “many both of the nobles and the low state left their country, and, either in search of sacred learning, or a stricter life, removed to Ireland:” and that “the Irish most willingly received them, took care to provide them with sustenance, support, and masters.” A most honourable testimony, as lord Littleton justly remarks, to the learning, hospitality, and bounty of the nation. Bede’s account is confirmed by the lines so well

* Mr. Plowden’s Hist. Mem.. vol. i. p. 21.

known, which Camden has quoted from the life of St. Sugenius, who flourished in the eighth century :

Exemplo patrum, commotus amore legendi,
Ivit ad Hibernos Sophiâ mirabile claros.

2d. In the eighth and ninth centuries, the Irish clergy spread themselves over the greatest part of Europe, to convert the pagans, and instruct the unlettered christians. The instances produced by Mr. Plowden*, and by Dr. Milner†, place this beyond controversy‡.

3d. “ There happened,” says Mr. Plowden§, “ about the year of our Lord 1418, a very notable “ transaction, which proved the high estimation “ in which the kingdom of Ireland then was, and “ ever had been holden by the learned of Europe. “ At the council of Constance, the ambassadors “ from England were refused the rank and pre- “ cedency, which they claimed over some others; “ they were not even allowed to rank or take “ any place as the ambassadors of a nation: the “ advocates for France insisted, that the English “ having been conquered by the Romans, and again “ subdued by the Saxons, who were tributaries to “ the German empire, and never governed by native “ sovereigns, they should take place as a branch only

* History of Ireland, vol. i. p. 20, 21.

† An Inquiry into the vulgar opinions concerning the Catholic Inhabitants and the Antiquities of Ireland, letter ii.

‡ See also Mr. Alban Butler's Lives of the Saints, Murphy's edition, iii. 176, note vii. 54. n. 165. ix. 58. xi. 247. ñ. 238. vii. 54, note x. 5. ix. 37.

§ Hist. vol. i. p. 22. n.

“ of the German empire, and not as a free nation ;
 “ ‘ for,’ added they, ‘ it is evident from Albertus
 “ Magnus and Bartholomew Glanville, that the
 “ world is divided into three parts, Europe, Asia,
 “ and Africa,’ (America had not then been discovered): ‘ Europe was divided into four empires,
 “ the Roman, the Constantinopolitan, the Irish,
 “ and the Spanish.’ The English advocates, admitting the force of these allegations, claimed their
 “ precedency and rank from Henry’s being monarch
 “ of Ireland only, and it was accordingly granted *.”

XLVI. 2.

Remarks on the state of the Irish between the reign of Henry II, and the reign of Henry VIII.

THE period, which next calls for attention, is that, which fills the space between the reign of Henry II, and that of Henry VIII. Here, the division of Ireland into the territory *within the pale*, and the territory *beyond it*, claims particular notice.

From the reign of Henry II, until the reign of James I, the real power and authority of the English monarch were confined to the counties of Dublin, Kildare, Meath, Lowth, Monaghan and Armagh, and the cities of Waterford, Cork and Limerick. These made the whole of the territory called *the pale*. Over the remaining part of Ireland, Henry II, and his successors, until James I, had little more than a nominal sovereignty. “ England,” says sir John Davies,

* O’Halloran’s Hist. vol. i. p. 68.

“ never sent over, either numbers of men, or quantities
 “ of treasure, sufficient to defend the small territory
 “ of the pale ; much less, to reduce that, which was
 “ lost, or to finish the conquest of the whole island.”
 —In the reign of Henry the eighth, Mr. Allen, the
 master of the rolls, reported to the sovereign, that
 “ his laws were not obeyed twenty miles beyond the
 “ capital.” The common observation of the country
 was, that they, who dwelt, by west of the river Barrow,
 dwelt, by west of the law. The English government
 always refused to communicate the constitution and
 laws of England to the inhabitants of this territory ;
 treated them, both as aliens and foes, and wished them
 so to remain. “ It was,” says lord Clare, in his *printed*
speech on the 10th of February 1800, “ the early
 “ policy of the English government to discourage all
 “ connexion of the colony with the native Irish ; the
 “ statute of Kilkenny, enacted in the reign of Edward
 “ the third, having prohibited marriage or gossipred*
 “ with the Irishry, or persons claiming the benefit of
 “ the Brehon law, by any person of English blood,
 “ under the penalties of treason. This statute, was a
 “ declaration of perpetual war, not only against the
 “ native Irish, but against every person of English
 “ blood, who had settled beyond the limits of the
 “ pale, and from motives of personal interest or con-
 “ venience, had formed connexions with the natives,
 “ or adopted their laws or customs.”

* i. e. Godfathership.

XLVI. 3.

*State of the Irish in the reigns of Henry VIII.—Edward VI
—queen Mary,—and queen Elizabeth.*

1. THE reign of HENRY VIII. divided the nation into two parties ; that, which acknowledged, and that, which denied the spiritual supremacy of the monarch. “ This,” says the noble lord, in the speech, which we have just quoted, “ was the grand schism “ which has been the bane and pestilence of Ireland, “ and rendered her a blank among the nations of “ Europe.”

“ The reformation in Ireland,” says Mr. William Parnell, in his excellent *Historical Apology for the Irish Catholics*, “ was, during the reign of Henry the “ eighth, conducted with very little violence towards “ the catholic laity ; there consequently was very “ little re-action from resentment or bigotry ; and, “ though late historians describe the priests as flying “ from city to city to animate their flocks to rebellion ; “ yet, as we find *no facts* to support this assertion, we “ must conclude they described, what they thought “ probable, not what was really the case.” It is observable, that, though the abbies and religious houses in Tyrone, Tyrconnell and Fermanagh, were dissolved in the thirty-third year of the reign of Henry the eighth, they were never reduced into charge, or surveyed ; but were continually possessed by the religious until the reign of James I*.

* Leland, History of Ireland, l. iii. ch. 7.

2. "In the reign of EDWARD VI," continues Mr. Parnell, "the government gave no general cause of discontent to the catholics; there were many particular severities and insults which laid the grounds of religious animosity. Archbishop Brown made war against images and relics with more zeal, than prudence. The garrison at Athlone, no very conciliating reformers, were allowed to pillage the very celebrated church of Clonmacanais, and to violate the shrine of a great favourite of the people, St. Kieran.

"It was in the reign of EDWARD VI, that the solid foundation of the succeeding rebellion was first laid, by the confiscation of the lands of Leix and Offalia, now the King and Queen's county.

3. "In the reign of QUEEN MARY,—though the religious feelings of the Irish catholics, and their feelings as men, had been treated with very little ceremony during the two preceding reigns; they made a wise and moderate use of their ascendancy. They entertained no resentment for the past; they laid no plans for future domination.—The Irish roman-catholics bigots!!—The Irish roman-catholics are the only sect, that ever resumed power, without exercising vengeance."

4. The reformation was completed by the Act of Uniformity passed in the reign of queen ELIZABETH. "In her reign," says lord Clare*, "a new reverse took place. The reformed liturgy was again enforced; the English act of uniformity was enacted

* In the speech just quoted; and which we shall again quote.

“ by the colonial parliament; and,—what seems to be
“ a solecism in legislation,—in the body of the act,
“ by which the use of the English liturgy, and a strict
“ conformity to it was enjoined, under severe penalties,
“ a clause is introduced, reciting that English
“ ministers could not be found to serve in Irish
“ churches; that the Irish people did not understand
“ the English language; that the church service could
“ not be celebrated in Irish, as well from the difficulty
“ of getting it printed, as, that few in the whole
“ realm could read: And, what is the remedy?—If
“ the minister of the gospel cannot speak English,
“ he may celebrate the church service in the Latin
“ tongue;—a language certainly as unintelligible to
“ his congregation, as the English tongue, and probably
“ not very familiar to the minister thus authorised to use it.”

Under the sun, there is nothing new!—When we read in doctor Robertson*, that the friar Valverde, advanced to the inca of Peru,—required him to forsake the creed of his fathers, and worship the God of the christians;—that reaching out his breviary to him, told him, that all, which he announced to him, was certainly in that book,—and that, when the inca rejected it, a signal was given,—the inca was seized,—and his subjects massacred,—we are justly filled with astonishment and horror. But,—when we read of a handful, comparatively speaking, of English adventurers, advancing to the Irish natives,—reaching out to them the act of uniformity, not a word of which they could read,—requiring them to adopt a liturgy,

* History of America, book vi.

not a word of which they could understand ;—and attempting to force their obedience by such severities, “ that the least of them,” to use the words of lord deputy Mountjoy, “ had many times been sufficient to “ drive the best and most quiet states into confusion ;” —may not some horror and astonishment be justly expected ?

In a few lines, lord Clare expresses his opinion of the injustice and impolicy of the system of government carried on by the ministers of queen Elizabeth in Ireland. “ It seems difficult,” says his lordship, “ to “ conceive any more unjust or impolitic act of government, than an attempt to force new modes of religion, “ faith, and worship, by severe penalties, upon a rude, “ superstitious and embittered people. Persecutions, “ or attempts to force conscience, will never produce “ conversion : they are calculated only to make hypocrites or martyrs ; and accordingly, the violence “ commenced by Elizabeth to force the reformed “ religion into Ireland, had no other effect than to “ foment a general dissatisfaction to the English “ government.”

Relying on this general dissatisfaction, the Spanish army, under the command of general don Juan d’ Aquila, landed at Kinsale, and expected to be joined by the whole mass of the catholic population beyond the pale : “ but no Irish of any account,” says Morrison, “ joined him ;” and thus, the Spaniards, “ who,” as Leland writes*, “ came with a vain hope of meeting “ a whole kingdom at their devotion, found themselves

* History of Ireland, vol. ii. p. 396.

“ confined within an inconsiderable town, unassisted
 “ by the natives, and besieged by the queen’s forces.”

Relying, in like manner, on this general dissatisfaction, three popes, successively, issued bulls, fomenting the insurrections of the catholics against Elizabeth. The bull of Pius the fifth has been mentioned, in a preceding part of the work. It was communicated to the Irish, by doctor Saunders, who, in 1579, was sent by the pope, as his nuntio, into Ireland. The earl of Desmond was encouraged by a bull of pope Gregory XIII, dated the 13th of May 1580;—and the insurrection of Hugh O’Neil was encouraged by pope Clement VIII, by a bull dated the 16th day of April 1600*. The bulls of Gregory and Clement were addressed to the archbishops, bishops, prelates, counts, barons, and people of Ireland; and exhorted them to recover their liberties, to defend and maintain them against the heretics, and second the efforts of their generals. They bestow on the insurgents the same indulgences, as the holy see usually bestows on those, who make war against the Turks.

—“ But most certain it is,” says doctor Curry†, that,
 “ the principal nobility and gentry of the kingdom,
 “ and all the cities and corporate towns, persisted in
 “ their allegiance to her majesty, notwithstanding the
 “ many tempting offers made them by the Spaniards,
 “ in order to withdraw them from it. It is also certain,
 “ that more than one half of the gallant army under
 “ lord Mountjoy, which so successfully attacked, and

* Both are inserted by the Abbé Mac Geohegan, in his *Histoire de l’ Irlande*, vol. 1. p. 437. 508.

† Historical Review of the civil wars in Ireland, b. 1. ch. 12.

“ at last, entirely defeated Tyrone, was Irish,”—and consequently catholic. Lord Mountjoy, as Morrison mentions in his history*, acknowledged, in several letters to the council, “ the great assistance, which the “ catholics had given him ;” and in one of them, expressly says, that, “ if they had not furnished “ his army with beeves, it would have been in great “ distress.”

The earl of Desmond expiated his rebellion by his life, and the forfeiture of his vast possessions in Munster. The pardon of the earl of Tyrone was extorted from queen Elizabeth, greatly against her will, by her ministers : and it is supposed to have been one of the causes, that brought on the profound melancholy, which embittered the last days of her life.

LXVI. 4.

State of the Irish Catholics under James I.

IMMEDIATELY after the death of the earl of Desmond, his property was surveyed, and distributed, principally among the English adventurers ; but a considerable proportion of it was bestowed on the earl of Ormond.—“ The multitude,” says sir John Davies†,—“ admiring the power of the crown of “ England, being brayed, as it were, in a mortar, with

* p. 115.

† A discourse of the true causes why Ireland was never entirely subdued, nor brought under obedience to the crown of England, until the beginning of his Majesty's happy reign, ed. 1747.—An excellent work.

“ sword, famine, and pestilence, altogether, submitted themselves to the king’s government, received the laws and magistrates, and most gladly embraced the king’s pardon and peace, in all parts of the realm, with demonstration of joy and comfort.”

But, in this state of joy and comfort, the catholics were not long permitted to remain in Ireland. James the first, soon after his accession, “ conceived,” says Mr. Leslie Forster, in his printed speech on the 9th of May 1817, “ the project of changing the population of a great part of the island, and of introducing a new set of men, who, from religion and their race, and the continual necessity of self preservation, should be for ever attached to the interests of England. The rebellion of Tyrone, furnished an excuse for considering the province of Ulster as forfeited to the crown; and James proceeded to fill it with English and Scotch adventurers.” It is observable, that, the rebellion of Tyrone was never proved by reasonable evidence. In his letter to sir Hercules Langrish, (p. 13), Mr. Burke observes, that, “ these plots and conspiracies were never proved upon their supposed authors.” The question of Harris,—If Tyrone and Tyrconnel—(his associate in the supposed rebellion)—were not guilty, why did they fly?—is not so overwhelming as it has been represented.—They might have feared that justice would not have been done them; or that it would be done them in the manner, in which justice was done to the Byrnes, in the case, which we shall afterwards have occasion to mention.

The confiscation of Tyrone’s property,—(and

the same may be said of every confiscation in the reign of queen Elizabeth),—was attended with this singular circumstance, that the crown seized, not only the demesnes and seignoral right of the offender, but dispossessed all his tenants and sub-tenants of their lands, and parcelled them out among strangers. In the rebellion of Desmond, his estates were found, on a loose survey, to contain 511,456 Irish acres. Elizabeth seized the whole, and granted them to her favourites;—And “special directions were given,” says sir Richard Cox, “that the grantees, should not “suffer any labourer, that would not take the oath “of supremacy;”—in other words, “any roman-catholic,—to dwell upon their land.” It has been happy for mankind, that instances of similar directions do not occur, frequently, in history.

Through the remainder of the reign of James, this transference of property was systematically continued. On the pretence of its being necessary for the improvement of the country, or the security of government, he seized large territories in the province of Leinster, which lay on the sea coast between Dublin and Waterford, and some, which lay between the river Arklow and the river Slane, in Wexford. On the same pretence, he directed sir Arthur Chichester, the lord deputy, to survey the counties of Leitrim and Longford, and large portions of land, in the King and Queen’s counties and Westmeath; all possessed, at that time, by the antient Irish;—and to inquire, by what titles they were held.—It was discovered, that they had been seized by different English adventurers, in the reign of Henry the second; had been regained

by the families of the antient owners, in the wars between the houses of York and Lancaster ; and had, from that time, been quietly and uninterruptedly enjoyed by them and their descendants. On this statement, the juries found all the titles to them defective, and that the property belonged to the king.

A general inquiry into all defective titles was then instituted. It is a received maxim of all nations governed by law, that possession constitutes right against all, who cannot establish a worthier claim. To this rule, the commissioners of the crown paid no attention. Wherever the grant could not be produced, or, when it was proved, if no descent or conveyance recognizing it could be proved, the land was immediately adjudged to the crown.—As all grants between the first of Edward the second, and the tenth of Henry the seventh, had been resumed, every title under them, notwithstanding the subsequent uninterrupted possession, was declared defective. Industry and ingenuity were exerted, to the utmost, to discover defects in the title of the possessor.

“ Every person,” says Mr. Carte*, was at “ work on finding out flaws in people’s titles to their estates:” “ Nor were there wanting,” says Leland †, “ proofs of the most iniquitous practices, of hardened cruelty, of vile perjury, and scandalous subornation, to despoil the fair and unoffending proprietor of the inheritance.”—In the case of the Byrnes, mentioned by Mr. Carte ‡, “ a brother, unwilling to

* Life of Ormond, vol. i. p. 27.

† History of Ireland, b. iv. ch. 8.

‡ Life of Ormond, vol. i. p. 27.

“ give evidence against his two brothers, was miser-
 “ ably tortured, put naked on a burning grid-iron ;
 “ then on a brand-iron, and burnt with gun-powder
 “ under his buttocks and flanks, and, at last suffered
 “ the strappado till he was forced to accuse them.”

At length, James threatened the whole province of Connaught. That province with the whole county of Clare, had surrendered to queen Elizabeth, and been newly granted out by her. The grantees having neglected to inroll the grants in the manner prescribed, James accepted surrenders of them and issued new grants ; the grantees immediately lodged them in the court of chancery for inrollment, and paid the fees of inrollment. The officers received the money ; did not inroll the grants ; the titles of the grantees were again found to be defective, and the king was proceeding to avail himself of the defect, when he was prevented by death.

XLVI. 5.

State of the Irish Catholics in the Reign of Charles I.

It must be observed, that the extensive spoliations of their property, which have been mentioned, were not the only grievance of which the Irish complained. The Statutes of Supremacy and Uniformity, had deprived almost all the ecclesiastics in the kingdom of their benefices, and thus reduced them to poverty : the statute of uniformity subjected every Irishman to a fine of twelve pence for every Sunday, on which he absented himself from the protestant church. For

refusing the oath of supremacy, numbers were fined and imprisoned ; and the penalty imposed for absence from church, which even in these days of national wealth and prosperity, would be severely felt by the lower class of English, was often exacted with rigour.

From the beginning of the reign of Charles the first, till 1626, the sufferings of the Irish catholics seem to have been on the increase : then, the urgency of his majesty's affairs, on account of his double war with France and Spain, and the refusal of the commons, to grant him the necessary supplies for carrying them on, made him look to Ireland. The catholics gave him the most unequivocal assurances of their loyalty, and their instant readiness to devote their lives and fortunes to his service. All they claimed in return was a toleration of their religion, an exemption from some unwarrantable exactions of the temporal and ecclesiastical courts, and to have their titles to their possessions quieted.—Against the toleration of their religion, the primate Usher, and twelve other protestant prelates, signed the protestation inserted in a former part of this work*. At length a free gift or contribution of 120,000*l.*, payable in three years, was set on foot.—At this time, the proportion of catholics to protestants in Ireland, was, by the account of sir William Petty, as eleven to two ; the greatest part of the sum was therefore paid by the catholics. In consideration of it, the king gave the Irish his solemn promise, that, in the next session of parliament, the grievances complained of should be redressed ; and particularly, that the inquiry into defective titles should be extinguished.

* Vol. i. p. 386.

An explicit instruction, to this effect, was sent by him to lord deputy Falkland, to be communicated by him to the Irish.—The boon, thus promised by his majesty, was styled, “The Graces.” The money was paid; but the Graces never came. Lord deputy Wentworth, afterwards earl of Strafford, advised his majesty not to grant them, and undertook to charge himself with the obloquy which, he foresaw, this flagrant breach of promise would occasion. For this, his majesty, by a letter, printed in the *Strafford Papers**, affectionately thanked the earl. The commons remonstrated; their remonstrance was unnoticed; it was renewed; his lordship then explicitly told them, it should not be attended to:—and, at his powerful suggestion, the council board represented to his majesty, that “he was not bound, either in conscience, justice, or honour, to perform the solemn promise he had made to the people.” “This point,” says Strafford, “I gained from the council with some art and difficulty, and flatter myself thereon to have done his majesty good service.”—He continued the contribution.

Immediately after this, he established a court of inquisition into the titles of all the lands in Connaught.—At first, he despaired of success: in one of his letters†, he mentions that “he had often laboured to find a title in the crown to these counties, but that he was always foiled in the attempt.” The court was accompanied, to use his lordship’s own words, by a troop of 500 horse, “as good lookers on.” Great

* Vol. 1. p. 331.

† State Papers, vol. i. p. 339.

care was used in selecting the jurors ; every artifice of promise and intimidation was put into practice. A Galway jury, having refused to bring in a verdict for the king, his lordship fined the sheriff, that returned them, in a thousand pounds, and bound over the jury to answer for the offence in the castle chamber, “ where,” he said, “ he conceived it fit, that their “ pertinacious carriage should be followed with all “ just severity.” The consequence was, that the titles to all the lands in Connaught, and to large territories in Munster and Clare, were found defective, and seized by the crown. How they were disposed of, a future extract from the earl of Clare’s speech, already cited, will shew.

XLVI. 6.

The Massacre in 1641.

To this melancholy event, the subject now leads us.

The history of it, by doctor Warner, and doctor Curry’s Historical Review, should be attentively perused and meditated by every person, who seeks to obtain accurate information on this lamentable event. Doctor Warner shews that little credit is due to his predecessors, lord Clarendon, sir John Temple, doctor Borlase, sir Richard Cox, Carte, and Hume. Speaking of the infidelity, shewn by the last of these writers, in his representation of the conduct of Charles the first, to his Irish subjects, he says*,—“ To such miserable “ shifts are able men reduced, when they wish to please

* Hist. of Irish Rebellion, p. 359.

“ a party, or to support a character, without regard
“ to truth ! It is but very little, that Hume has said
“ on this critical part of Charles the first’s reign ;
“ but, unless he said much more to the purpose, than
“ he hath said, he had better have taken the way,
“ which lord Clarendon took, and have said nothing
“ at all.”

After every allowance, which, the candour of doctor Warner induces him, to make, in favour of the catholics, the charges brought by him against them, are heavy. From some of these, doctor Curry, in the work we have mentioned, has both ably and successfully vindicated them. To enter into any detail on the subject, is foreign to the object of these pages : but the writer begs leave to request the attention of his readers to the following observations.

1. The first,—to use the words of Mr. William Parnell, in his excellent *Apology*, which we have already cited,—is—that, “ if it is certain that the
“ catholics became bigots and rebels, it is no less
“ certain that their bigotry and rebellions arose entirely from the injuries and insults inflicted on
“ them.”

2. The second observation, is,—that, during several months, immediately preceding the insurrection, the general body of the Irish catholics, and in particular the Irish of Ulster, were filled with dismay and horror, by their apprehension, that the puritan faction in England, and the Scottish covenanters had resolved on their extermination. That there were some grounds for this apprehension, all must believe, who have read the first volume of *Carte’s Life of Ormond*, from its

233d to its 339th page;—or the fourth and fifth books of *Doctor Curry's Historical Review*.—Hume, himself, in his letter to doctor Curry, inserted by that gentleman in the work, which we have just mentioned *, admits, that “the violence of the puritanical parliament, “ had struck a *just terror* into all the catholics.”

Admitting therefore, every thing with which, in the next lines of this letter, Hume charges the Irish insurgents, something of it may surely be palliated, by the state of *just terror*, to which he admits their alarms had raised them. It is acknowledged by Carte that the lord deputy, sir William Parsons, had asserted, at a public entertainment in Dublin, that, “within a “twelvemonth, no catholic should be seen in Ireland.” “He had sense enough,” says Carte, “to know the “consequences, which would naturally follow from “such a declaration; which, however it might contribute to his own selfish views, he would hardly “have ventured to make so openly, and without disguise, if it had not been for the politics and “measures of the English faction, whose party he “espoused, and whose directions were the general “rule of his conduct.”

3. The third observation, with which we shall trouble our readers, respects the number of the massacred. In their calculations of them, the historians of the massacre surprisingly differ. Sir William Temple fixes the number of protestants, who were massacred in cold blood, in the two first months of the rebellion, at 150,000:—lord Clarendon asserts, that, in the first two or three days of it, 40,000 or

* b. v. p. 181.

50,000 were destroyed: sir William Petty says, that upwards of 40,000, were killed out of war.

“ Altho’ it be impossible,” says doctor Warner, “ even from the authentic evidence of the murders, “ to come to any certainty, or exactness as to their “ numbers, from the uncertainty itself of some of “ the accounts that were given in,—it is easy enough, “ from them, to demonstrate the falsehood of every “ protestant historian.

“ Upon the whole,” he assures us,—that, “ setting aside all opinions and calculations in this “ affair, the evidence in his possession stands thus :

“ The number of people, killed upon positive evidence, collected in two years after the insurrection “ broke out, amounts only to 2,109 ;—on the report “ of other protestants, to 1,619 more ;—and, on the “ report of some of the rebels themselves, a further “ number of 300 ; the whole, both by positive evidence, and by report, making 4,028.

“ Besides these numbers,” continues doctor Warner, “ there is evidence in the same collection, on “ the report of others, of 8,000 killed by ill usage ; “ and if we should allow the cruelties of the Irish “ out of war, extended to these numbers,—(which, “ considering the nature of the several depositions, “ I think, on my conscience, we cannot),—we must “ allow, there is no pretence for laying a greater “ number to their charge.”

“ This account,” adds the doctor, “ is corroborated “ by a letter, which I copied out of the council book “ at Dublin, written on the 5th of May 1652, ten “ years after the beginning of the rebellion, from the

“parliament commissioners in Ireland, to the English
 “parliament. After exciting the parliament, to
 “further severity against the Irish,—as being afraid
 “that their behaviour, towards that people, might
 “never sufficiently avenge their murders and mas-
 “sacres; and, lest the parliament might shortly be
 “in pursuance of a speedy settlement of the king-
 “dom, and thereby some tender conclusions be
 “adopted,—the commissioners tell them, that, be-
 “sides 849 families, there were killed, hanged, and
 “burned, 6062.”

4. We should also mention,—that the whole body
 of the catholic nobility and gentry, did, by their
 agents at Oxford, in 1643, petition the king, that,
 “all murders committed on both sides, in that way,
 “might be examined in a future parliament, and the
 “actors of them, exempted out of all the acts of
 “indemnity and oblivion: but that the protestant
 “agents, then also attending the king at Oxford,
 “refused to assent to the proposal” *.

5. Finally,—we beg leave to state, in a few words,
 what is said by the apologists of the Irish catholics,
 to palliate this lamentable event.—They first observe,
 that, during the successive reigns of Elizabeth, James I,
 and Charles I, the spiritual and temporal grievances
 of the Irish catholics were very great, were always
 on the increase, and were of a nature to agitate the
 human feelings in the highest degree, and to stimulate
 them to the greatest excesses.—They next assert,
 from unquestionable evidence, that the insurrection
 on the 23d of October 1641 was confined to the

* Walsh's History of the Irish Remonstrance, App. p. 54.

province of Ulster ; that, though this day is assigned for the commencement of the general massacre, the insurrection was confined, during the two following months, to that province ; that, during the whole of those months, few murders, if any, were committed ; that sir William Parsons and sir John Borlase, the lords justices, to whom the government of the kingdom was, at this time, committed, instead of endeavouring to repress, artfully strove to goad the whole catholic body into rebellion ; that, after the insurrection had spread, a fanatic and enthusiastic soldiery, on one hand, and a savage and exasperated rabble on the other, promiscuously plundered and murdered English protestants and Irish catholics ; that the number of the catholic victims of these barbarities far exceeded that of the protestant ; that the massacre began with the murder, by Scottish puritans, of a multitude of unoffending Irish catholics in the island of Maggee ; and that, throughout the whole of the massacre, there were found in every part of Ireland, both catholic priests and catholic laymen, who exerted themselves, frequently at the risk of their lives, to save the protestants from the destruction with which they were threatened.

Such is the catholic representation :—Those, who wish for full information on the subject, should attentively peruse the protestant historians, Leland and Warner ; and the catholic apologist doctor Curry, whose *Historical and Critical Review* we have frequently cited, and the *Trial of the Roman-catholics*, by Henry Brooke, esq. 1767, 8vo.—a work, which we have frequently consulted. A serious and impar-

tial comparison of these works, will, we think, convince every candid mind, that, in the charges, to which the conduct of the catholics on this lamentable event may be thought to have justly exposed them, there has been some invention, and great exaggeration.—At all events, the sins even of the vilest actors in them, should not be visited on their tenth generation.

XLVI. 7.

The Confederacy of the Irish Catholics in 1642.

WE must now reverse the medal;—and consider the conduct of the lords justices, towards the catholics at this dreadful time. “The arbitrary power,” says doctor Warner, “exercised by them;—their illegal
“ exertion of it, by bringing people to the rack to
“ draw confessions from them;—their sending out so
“ many parties from Dublin and other garrisons, to
“ kill and destroy the rebels, in which, care was sel-
“ dom taken to distinguish,—and men, women and
“ children were promiscuously slain;—but above all,
“ the martial law executed by sir Charles Coote;—
“ and the burning of the pale for seventeen miles in
“ length, and twenty-five in breadth, by the earl of
“ Ormond;—these measures not only exasperated
“ the rebels and induced them to commit the like or
“ greater cruelties; but they terrified the nobility and
“ gentry from all thoughts of submission, and con-
“ vinced them, that there was no room to hope for
“ pardon, nor any means of safety left them, but the
“ sword.” *Leland**, observes, that “the favourite
“ object both of the Irish government and English

* Vol. iii. p. 166.

“parliament, was the utter extermination of all the
“catholic inhabitants of Ireland. Their estates were
“already marked out, and allotted to the conquerors,
“so that they and their posterity were consigned to
“inevitable ruin.” It is not to be wondered that a
great body of nobility, gentry, and proprietors, thus
circumstanced, should unite, for self-preservation, in a
regular system of defence.—

They accordingly confederated :—In the month of
May 1642, the leaders of them, assembled at Kilkenny,
and formed a general council, for the conduct of their
measures, on a plan of a parliament of two houses :—
the upper, composed of the prelates and temporal
peers ; the lower, of two delegates sent by the counties
and cities. They accepted, for the rule of government,
the common law of England, and the statutes of Ire-
land, so far as they were not repugnant to catholic
faith, and to the liberties of the Irish nation. The
oath of association was,—“ I swear, before Almighty
“ God, his angels and saints, that I will defend the
“ liberty of the catholic, apostolic and Roman faith,
“ and the person, heirs, and rights of our most serene
“ king, Charles ; as also the legal rights and privileges
“ of this nation,—against all usurpers and invaders,
“ at the hazard of my fortune and of my life ; So
“ help me God !”

The first measure of the supreme council was to con-
sult the clergy on the lawfulness of the confederacy and
of the war. The answer of the clergy,—given on the
12th of May,—was expressed in the following terms ;
“ As the war, which the Irish catholics begin against
“ the sectaries, particularly the puritans, is under-

“ taken, for the defence of the catholic religion ;—
 “ for the conservation of our sovereign lord king
 “ Charles, and his just prerogatives ;—for the defence
 “ of our serene queen, and the security of their royal
 “ progeny, most unworthily treated by the puritans ;
 “ and also for the defence of our lives, and fortunes,
 “ and the just and legitimate immunities and liberties
 “ of this our nation, against unjust invaders and
 “ oppressors, particularly the puritans :—We are of
 “ opinion, and do declare, that it is, on the side of the
 “ catholics, just and legitimate.—But if, in carrying
 “ it on, any proceed, with an unjust, avaricious,
 “ hating, revengeful, or other such sinister intention,
 “ or any wicked design or end, we think such persons
 “ sin mortally, and should be chastised, coerced, and
 “ punished by ecclesiastical censures*.”

The supreme council proceeded to appoint sir Phelim O'Neil to the command of the catholic forces in Ulster, colonel Preston, a brother of lord Germanstown, to the command of the catholic forces in Leinster; colonel Garrett Barry, of the Barrymore family, to the command of the catholic forces in Munster; and colonel de Burgh, of the Clanrickard family, to the command of the catholic forces in Connaught. The next measure of the supreme council, was to obtain, from his majesty, a cessation of arms.—Charles was anxious for it, and signed a commission, on the 14th January 1642, directed to the earl, afterwards marquis of Ormond,

* Translated from an authentic and elegant work,—*Vindiciæ Catholicorum Hiberniæ, Authore Philopatre Irenæo ad Alitophilum Libri duo.* Parisiis 1650; attributed to Mr. Richard Bellings.

and afterwards lord lieutenant of Ireland,—and to other persons of distinction,—authorizing them to treat with the confederates :—This Ormond declined. His majesty repeatedly, and pressingly urged it, by letters and messages ;—Ormond still delayed. At length, on the 15th of September 1643, a cessation of arms was agreed upon by him and the confederates; and, notwithstanding their distress, the catholics advanced 30,800 pounds sterling to Ormond, to be applied for his majesty's service ; and sent 2,000 men to fight under Montrose in Scotland.

XLVI. 8.

The Interference of the Pope's Nuntio in the Proceedings of the Confederates.

WHILE the council of Kilkenny held their first sittings, an event happened, which from the first, counteracted, and in the end, defeated all their measures.

In 1644, pope Urban sent father Scarampa, an oratorian, to communicate with the supreme council. He remained in Ireland, till November 1645, when John Baptist Rinuccini, archbishop of Fermo, arrived at Kilkenny, in the character of apostolic nuntio extraordinary, from the pope to the council. On the 12th of that month, he presented himself, with his credentials, to the supreme council, and shortly exposed to them the object of his mission.—He then said : “ There will not, in all probability, be wanting those, “ who will assert, that I have been sent, by the most

“ holy father and universal pastor of the church,
“ Innocent X, to excite the catholic inhabitants of
“ this kingdom against the most serene king of
“ Great Britain and Ireland. How far this is from
“ the truth, God, the searcher of hearts, is not igno-
“ rant ! I, therefore, protest and most solemnly swear,
“ that I will plan nothing against the interests of the
“ most serene king Charles. Moreover,—to all catho-
“ lics, as well present as absent, I signify, that nothing
“ more agreeable to the supreme pontiff, can take
“ place, than that the confederates in Ireland, having
“ recovered the free exercise of their religion, should
“ observe due subjection, service and reverence to his
“ serene majesty, though not a catholic.”

The cessation of arms concluded between Ormond and the supreme council, was received with general joy by the confederate nobility, and the greatest and best part of the clergy : but the nuntio, and general Owen O’Neil,—who, afterwards drew over general Preston to his views,—rejected it : the former, because there was no provision made for the free exercise of the catholic religion, without which, the confederates, in the nuntio’s view of the case, were engaged, by their oath of association, never to conclude a peace ; and the latter, on the same account, and also because no stipulation was made for restoring him and his numerous followers to their forfeited lands in Ulster. The nuntio further alleged, that the commissioners, who had concluded the peace, had not, as they were bound by their instructions, insisted on the repeal of the penal statutes against the roman-catholic religion.

The confederates, however, adhered to the cessa-

sation : and, with the leave of Ormond, sent over seven persons of rank to his majesty, to treat with him for a permanent peace. They reached his majesty, on the 23d of March 1645 ; the king agreed to all the terms proposed by them, except those, by which they claimed the free exercise of their religion, and the quiet enjoyment of the ecclesiastical property then actually possessed by them. The concession of these, would, his majesty observed, irritate all the protestants, in the three kingdoms against him.—He, therefore, ordered the commissioners to return to the council, and treat with Ormond, on this point.

Soon afterwards, the earl of Glamorgan, a roman-catholic, and connected, by his marriage, with the house of O'Brien, attended at Kilkenny ; accredited as he said, by his majesty, to treat with the supreme council. On the 25th of August 1645, articles of peace were signed by the earl and the supreme council, containing an express stipulation, that the catholics should enjoy the free exercise of their religion, and retain all the churches, then in their possession, and the property belonging to them.

It was intended that this treaty should be kept a secret, till a more favourable combination of circumstances should remove the objection to its publication ; but accident brought it to light ; and the monarch then disavowed the powers, under which Glamorgan had professed to act.—A new treaty was, therefore, entered into with Ormond ; it was signed on the 28th of March 1646, but appears not to have been delivered till the 29th of the following July*. It contained no stipulation

* Carte's Life of Ormond, vol. i. p. 574.

for the free exercise of the catholic religion, or the enjoyment of ecclesiastical property : these were to be the subject of a future arrangement, and to be allowed in the mean time by connivance. The pope himself felt the necessity, which induced the supreme council to submit to such terms. Discoursing with Mr. Richard Bellings, on what had passed between his majesty, and the deputies to him from the council, his holiness observed, that it was not to be wondered, that his majesty should think it unsafe to consent to the insertion of the contested article, as this would alienate from him so many of his adherents,—“ and “ therefore,” said his holiness, “ a connivance, in “ this respect, should, in the actual state of things, “ satisfy you.”

But the treaty now concluded was too late to be of use to the unfortunate monarch. “ The news “ of the conclusion of the peace,” says Carte*, “ did not reach England soon enough to deter the “ execrable authors of the murder of the king from “ perpetrating a villainy, which, how long soever they “ had intended it, they durst not attempt to execute, “ till they thought themselves secure of impunity, by “ being absolute masters of Great Britain without “ any considerable force in any part of these king- “ doms to oppose their measures, or take vengeance “ of their crimes.”

“ It is no small, or unequivocal proof, “ says Mr. Plowden†, “ of the eminent loyalty and fidelity of “ the Irish catholics, that, at Charles’s unfortunate

* Carte’s, *Life of Ormond*, vol. ii. p. 52.

† In his very valuable *Historical Memoirs*, vol. i. p. 119.

“ execution, they formed the only compact body
“ throughout the extent of the British empire, who
“ had preserved, untainted and unshaken, their faith
“ and attachment to the royal cause.”

On this occasion, sir Richard Cox, one of the historians of the rebellion, expresses a wish indicating no common hatred to the Irish catholics.—“ How
“ gladly would I draw,” says this writer, “ a curtain
“ over the dismal and unhappy 30th of January,
“ wherein the royal father of our country suffered
“ martyrdom. Oh ! that I could say they were Irish-
“ men, that did that abominable fact ! Or that I could
“ justly lay it at the doors of the papists ! But, how
“ much soever, they might obliquely or designedly
“ contribute to it, ’tis certain it was actually done by
“ others.”

We have seen, what the impressions of the nuntio and his adherents were, on any peace that should be concluded with Ormond, on the terms we have mentioned.—With those feelings, and giving full scope to them, he proceeded to measures equally unjustifiable, and inexpedient. Having called together, at Waterford, such of the Irish bishops and other ecclesiastics, as were most under his influence, on pretence of forming a synod to settle ecclesiastical matters, they took the peace into their consideration ; and, by a public instrument, signed by them, on the 12th of August 1646, declared their dissent from the peace. The nuntio then proceeded to Kilkenny, accompanied by general Preston and general O’Neil. There, on the 26th of the following September, the nuntio assumed the entire government of the kingdom ; imprisoned

the greater number of the members of the supreme council ; appointed, in its stead, a council, consisting of four bishops and eight laymen, and commanded all generals to obey their orders. The presidency of the council, he assumed to himself.

On the 5th of the following October, he issued a sentence of excommunication to take effect, *ipso facto*, against all, who had been instrumental in making the peace, and all, who should afterwards adhere to it, or promote it.

At this time, there were twenty-seven Irish catholic bishops ; nineteen obeyed the nuntio ; eight, adhered to the nobility and gentry.

By this step, (as doctor Curry justly observes), the nuntio and his party contributed more, in one week, towards the defeat of the confederates, than the marquis of Ormond, with all his forces, had been able to effect, during the whole preceding period of the war. “ I
 “ loved the nuntio,” says Lynch, (archdeacon of Tuam, the learned author of the *Cambrensis eversus*,)
 “ and revere his memory ; but it is most certain, that
 “ the first cause of our woe, and the beginning of our
 “ ruin, were produced by his censures.—The day on
 “ which they were fulminated, should not be in bene-
 “ diction. To the Irish, it was most disastrous, and
 “ should therefore, be noted with black, ranked
 “ among the inauspicious days, and devoted to the
 “ furies*.”

This wayward incident divided the confederates into two parties : and these soon became more exasperated against each other, than they were against the

* Alithinologia, tom. i.

common enemy. But, notwithstanding this defection, “all the confederate nobility and gentry,” says Carte*, “except a very few of the latter, and all “the old bishops and regulars, whose missionary “powers were not subordinate to the nuntio’s “authority, still adhered to the peace, in defiance of “the censures denounced against them.”

In the latter end of October 1646, the nuntio and the two generals Preston and O’Neil, advanced to Dublin; and, on the 2d of the following month, sent proposals of accommodation to the marquis of Ormond. “These,” says doctor Curry†, “were, in effect, the “same demands, as they had all along made, and “the king was willing to grant them; but which his “excellency had still obstinately refused.” His excellency and the council, continues the same writer, being doubtful, how the catholics of Dublin would behave, in case the city was assaulted by so great an army, fighting under a title of so specious a cause, and under the authority of so extraordinary a minister of the holy see, put two questions to such of the catholic clergy as resided in that city;—the 1st. Whether, if the nuntio should proceed to excommunicate those, who adhered to the peace, then lately made, the excommunication would be void? The 2d, Whether, if the city should be besieged, by the direction of the nuntio, the catholics might lawfully resist the siege or assault? The clergy answered unanimously,—that the excommunication would be void;

* Life of Ormond, vol. 1. p. 170.

† Historical Review, book. vii. chap. 11, 12.

and the resistance lawful. His excellency afterwards entered into a treaty with general Preston, and the terms of it appear to have been settled ; but mutual distrust seems to have prevented its execution on either side. On this, the marquis treated with the covenanters. The terms were easily settled ; and the marquis soon afterwards gave up, to their commissioners, all the forces under his command, the sword of state, and all the other insignia of government. For this, he received from them, a large sum of money, and permission to hold his estates discharged from the debts upon them. Soon after this event, general Preston was totally defeated at Dungan's hill near Trim, by Jones the parliamentary governor of Dublin ; and the confederate army in Ulster was destroyed in Knockonness.

About the end of July 1647, the marquis of Ormond, by order of the parliament, quitted Ireland. In January 1648, the earl of Inchiquin, who, till this time, had been an active partizan of the parliament, being dissatisfied with its proceedings, began to treat with the confederates. The nuntio opposed the treaty ; but it proceeded, and on the 20th of May 1648, an agreement for a cessation of arms, and mutual assistance, was signed. The nuntio then issued an excommunication against all, who adhered to or favoured this cessation ; and, interdicting all cities, towns, and places, which had received it, forbade all divine offices to be performed in them. On the 31st of the same month, the supreme council appealed, in form, against his censures, and were

joined by two catholic archbishops, twelve bishops, and all the secular clergy in their dioceses, by all the Jesuits and Carmelities, and 500 of the Franciscans*.

From the time of his quitting Ireland, till September 1648, the marquis of Ormond remained in France. On the 21st of that month, he sailed for Ireland, from Havre; and on the 29th, reached Cork. He was received with great demonstrations of joy. Soon after his landing, he signified to the supreme council of the confederates, then sitting at Kilkenny, that he was arrived, with full powers to treat and conclude a peace with the confederate catholics, pursuant to the paper, delivered to their agent at St. Germain's, and which granted them their own terms. On the receipt of the message, the supreme council invited the marquis to Kilkenny: he made his entry into it, with great splendour. On the 16th of January 1649, a peace between his majesty and the confederates was proclaimed with great solemnity, and the English and Irish forces were placed under the command of the marquis. By the terms of the peace, it was stipulated, that all the laws, which prevented the free exercise of the catholic religion in Ireland, should be repealed; and that the catholics should not be disturbed in the possession of their churches and church livings, till his majesty, upon a full consideration of the decree respecting them in parliament, should declare his further pleasure.

On the following day, the assembly drew up several articles to be transmitted to the pope, containing heavy accusations against the nuntio. They intimated

* Carte's Life of Ormond, vol. ii. p. 34.

to his excellency at the same time, the necessity of his immediately repairing to Rome, to answer the articles. On the 23d of February following, the nuntio left Ireland, "to the great joy," says doctor Curry, "of the principal nobility and gentry, and the most respectable ecclesiastics of Ireland."

It should be observed, that his proceedings were contrary to the instructions which he had received from the court of Rome. By these, he had been directed, in case a peace were made, to do nothing indicating that he either approved or disliked it. Doctor Curry produces reasons, which render it highly probable, that the peace, made by the confederates with the marquis of Ormond, was not displeasing to the pope. Carte mentions *, that, soon after his infraction of the peace, the nuntio received a reprimand from Rome, for having acted, in this respect, contrary to his instructions. On his return to that city, he was received coldly by the pope. His holiness told him, that he had "carried himself rashly in Ireland," and exiled him to his diocese. The disastrous result of his nuntiature, and the reception which he met with at Rome, affected him so much, that, in a short time afterwards, he died of grief. In 1655, pope Alexander the seventh, empowered four of the prelates of Ireland to grant a general absolution from the censures of the nuntio.

—At first, the greatest harmony and zeal for the service prevailed among the officers and soldiers of the confederate army, now placed under Ormond, and they became masters of Sligo, Drogheda, Water-

* Vol. i. p. 570.

ford, Trim and Newry, and most of the strong holds and towns in Ireland, except Londonderry and Dublin. Ormond was advancing to Dublin; but, at Rathmines, a place about three miles distant from it, his whole army was surprised and routed, on the 2d of August 1649, by Michael Jones, the governor of Dublin for the parliament.

A new scene now opened:—On the invitation of the Scottish covenanters, Charles the second left Breda; and, on the 23d of June 1650, arrived in Scotland. Before he landed, he was compelled to sign both the national and the solemn covenant. Two months after his landing, he issued a declaration, that, “he would have no enemies, but the enemies of the covenant; — that he did detest and abhor all popery, superstition and idolatry, together with prelacy; resolving not to tolerate, much less to allow those, in any part of his dominions, and to endeavour the extirpation thereof to the utmost of his power.” He pronounced the peace with the confederates “to be null and void,” and added, that, “he was convinced in his conscience of the sinfulness and unlawfulness of it.”

The afflicting intelligence of this conduct of his majesty soon reached the confederates. They suspected, not without ground, that the marquis of Ormond had advised it. Under these impressions, several catholic bishops, in the following August, assembled at Jamestown. They published a declaration against the lord lieutenant, charging him with improvidence and ill-conduct, with gross partiality to the protestants, hostility to the catholics, cruelty to

the clergy, and wicked councils to the king.—They proceeded to excommunicate all such catholics, “as should enlist under, help or adhere to his excellency; or assist him with men, money, or any other supplies whatsoever.” But they delayed the promulgation of the sentence till the meeting of a general assembly then convened to sit at Loughrea. They also appointed six of their body, as a board to reside in that city, in order, as they declared, to provide for the safety of the nation, the preservation of the catholic religion, and the maintenance of the royal authority. To this, in all their vicissitudes of fortune, every Irish catholic professed the warmest attachment. On the 15th of the following September, they published their excommunication, in the usual form. “But all the sober professors of the catholic religion,” says lord Clarendon, in his *History of the Rebellion*, “abhorred the proceedings, and most of the commissioners of trust, or the principal nobility, and most considerable gentry, remained firm in their particular affection and duty to the king; and in their submission to the authority of his lieutenant, notwithstanding this excommunication.”

Soon after this event, the northern army generally went over to the parliament, and in December 1650, the marquis of Ormond quitted Ireland, having appointed the earl of Clanrickard his deputy.

Then,—the Irish catholics,—finding themselves reduced to irremediable distress, with the dismal prospect of its daily increase, and its ending in their total destruction, shewed, for the first and only time, some willingness to treat with the parliamentarians.—But, before any progress was made in a treaty with

them, an ambassador from the duke of Lorraine arrived in Ireland, with offers of powerful assistance for the preservation of the catholic religion, and his majesty's Irish subjects. The earl of Clanrickard took his proposals into consideration; the James-town bishops, and their adherents in general, were desirous that they should be received; and this had the approbation of the queen, the duke of York, and the marquis of Ormond himself. The treaty, however, was broken off.—The rebels advancing on the marquis of Clanrickard, he retired to the town of Carrick; being encompassed on every side, he submitted to the parliament; and, in 1652, left Ireland, carrying with him the royal authority.

“ The Irish,” says Mr. Matthew O’Conor, “ now
“ received the chastisements due to their dissentions.
“ All the male adults capable of bearing arms, with
“ the exception of a sufficient number of slaves to
“ cultivate the lands of the English, were transported
“ to France, Spain, and the West Indies. A great
“ number of females were transported to Virginia,
“ Jamaica, and New England. The rest of the
“ inhabitants of all sexes, ages, the young, the aged,
“ and the infirm, were ordered, on pain of death,
“ to repair, by a certain day, into the province of
“ Connaught, where, being cooped up in a district,
“ ravaged by a war of ten years continuance, de-
“ solated by famine and pestilence, and destitute of
“ food or habitations, they suffered calamities, such
“ as the wrath of the Almighty has never inflicted
“ on any other people. Thousands of these misera-
“ ble victims perished of cold and hunger, many flung

“ themselves headlong from precipices, into lakes
 “ and rivers, death being their last refuge from
 “ such direful calamities *.”

Morrison, a protestant historian, and an eye witness, observes, that, “ neither the Israelites were
 “ more persecuted by Pharoah, nor the innocent
 “ infants by Herod, nor the christians by Nero, or
 “ any other pagan tyrants, than were the roman-
 “ catholics of Ireland at this fatal juncture, by the
 “ commissioners.”

LXVI. 9.

*The Confiscations made by Cromwell;—and the settlement of
 the Confiscated Property, at the Restoration.*

“ THE first act of Cromwell,”—says lord Clare,
 in the speech which has been so often quoted,—
 “ was, to collect all the native Irish, who had survived
 “ the general desolation, and remained in the country,
 “ and to transplant them into the province of Con-
 “ naught, which had been completely depopulated
 “ and laid waste in the progress of the rebellion.
 “ They were ordered to retire thither, by a certain
 “ day, and forbidden to repass the river Shannon,
 “ on pain of death ; and this sentence of deportation
 “ was rigidly enforced until the Restoration. Their
 “ antient possessions were seized and given up to the
 “ conquerors ; as were the possessions of every man,
 “ who had taken a part in the rebellion, or followed
 “ the fortunes of the king, after the murder of

* The history of the Irish catholics from the settlement in 1691, with a short view of the state of Ireland from the invasion of Henry II. to the revolution, by Matthew O’Conor, esquire 1813.

“ Charles I. This whole fund was distributed among
 “ the officers and soldiers of Cromwell’s army, in
 “ satisfaction of the arrears of their pay ; and among
 “ the adventurers, who had advanced money, to
 “ defray the expences of the war. And thus, a new
 “ colony of new settlers, composed of all the various
 “ sects, which then infested England,—independents,
 “ anabaptists, seceders, Brownists, Socinians, mille-
 “ narians, and dissenters of every description, many
 “ of them infected with the leaven of democracy,—
 “ poured into Ireland, and were put into possession
 “ of the antient inheritance of its inhabitants.”

“ It seems evident, from the whole tenour of the
 “ declaration, made by Charles II. at his restoration,
 “ that a private stipulation * had been made by Monk,

* This assertion appears to be utterly inconsistent with his majesty’s own declarations. In a letter from Breda, (*Doctor Curry’s Historical Review*, b. ix. c. 15.), he desired the marquis of Ormond to assure the catholics, that “ he would perform all
 “ grants and concessions which he had either made or promised
 “ them by the peace ; and which, as he had new instances of
 “ their loyalty and affection to him, he should study rather to
 “ enlarge, than diminish in the least degree.”

In his speech to both houses of parliament, July 1660, when a general act of oblivion was intended to be passed, his majesty, knowing that means had been used to exclude the Irish from the benefit of that act, told them, that “ he hoped the Irish
 “ alone would not be left without the benefit of his mercy ; that
 “ they had shewn much affection to him abroad ; and that he
 “ expected the parliament would have a care of his honour, and
 “ and of what he had promised them.” And, in his declaration of the 30th of November following, which was intended to be the ground-work of the act of settlement, he again acknowledged the obligation, and said, “ he must always remember the great
 “ affection a considerable part of the Irish nation expressed in

“ in favour of Cromwell’s soldiers and adventurers,
 “ who had been put into possession of the confiscated
 “ lands in Ireland ; and it would have been an act of
 “ gross injustice, on the part of the king, to have
 “ overlooked their interests.’ The civil war of 1641,
 “ was a rebellion against the crown of England, and
 “ the complete reduction of the Irish rebels by Crom-
 “ well, redounded essentially to the advantage of
 “ of the British empire†. But, admitting the princi-
 “ ple of this declaration in its fullest extent, it is
 “ impossible to defend the acts of settlement and
 “ explanation, by which it was carried into effect ;
 “ and I could wish that modern assertors of Irish
 “ dignity and iependence would take the trouble
 “ to read and understand them.

“ The Act of Settlement professes to have for
 “ its object the execution of his majesty’s gracious
 “ declaration for the settlement of his kingdom
 “ of Ireland, and the satisfaction of the several
 “ interests of adventurers, soldiers, and other his
 “ him, during the time of his being beyond the seas : when,
 “ with all cheerfulness and obedience, they received and sub-
 “ mitted to his orders, though attended with inconvenience
 “ enough to themselves ; which demeanor of theirs,” he added,
 “ cannot but be thought very worthy of our protection, justice
 “ and favour.”

It is observable that the Irish were excluded from the benefit of the act of oblivion ; and that, in their exclusion, the duke of Ormond actively co-operated.

† This is artfully and ably expressed :—but, if the fact be true,—and it appears unquestionable,—that, at the time of the murder of Charles I, the Irish catholic army was the only body of men throughout the dominions of his majesty, that adhered to him ; Cromwell’s victories over them were not a reduction of rebellion, but a triumph over the last remains of loyalty.

“ subjects there ; and, after reciting the rebellion,
“ the enormities committed in the progress of it,
“ and the final reduction of the rebels by the king’s
“ English and protestant subjects, by a general
“ sweeping clause, vests in the king, his heirs and
“ successors, all estates real and personal, of every
“ kind whatsoever in the kingdom of Ireland, which
“ at any time from the 21st of October 1641, were
“ seized or sequestered into the hands, or to the use
“ of Charles the first, or the then king, or otherwise
“ disposed of, set out or set apart, by reason or on
“ account of the rebellion ; or which were allotted,
“ assigned, or distributed to any person or persons
“ for adventures, arrears, reprisals, or otherwise ;
“ or whereof any soldier, adventurer, or other person
“ was in possession, for or on account of the rebellion.
“ And having thus, in the first instance, vested
“ three fourths of the lands and personal property
“ of the inhabitants of this island, in the king, com-
“ missioners are appointed with full and exclusive
“ authority, to hear and determine all claims upon
“ the general fund, whether of officers and soldiers
“ for arrears of pay, of adventurers who had advanced
“ money for carrying on the war, or of innocent
“ papists, as they are called ; in other words, of the
“ old inhabitants of the island, who had been dis-
“ possessed by Cromwell, not for having taken a part
“ in the rebellion against the English crown, but for
“ their attachment to the fortunes of Charles II. But,
“ with respect to this class of sufferers, who might
“ naturally have expected a preference of claim, a
“ clause is introduced, by which they are postponed

“ after a decree of innocence by the commissioners,
“ until previous reprisal shall be made to Cromwell’s
“ soldiers and adventurers, who had obtained possession of their inheritance. I will not detain the
“ house with a minute detail of the provisions of this
“ act, thus passed for the settlement of Ireland ;
“ but I wish gentlemen, who call themselves the
“ dignified and independent Irish nation, to know,
“ that seven millions eight hundred thousand acres
“ of land were set out, under the authority of this
“ act, to a motley crew of English adventurers, civil
“ and military, nearly to the total exclusion of the
“ old inhabitants of the island. Many of the latter
“ class, who were innocent of the rebellion, lost
“ their inheritance, as well from the difficulties imposed upon them by the court of claims, in the
“ proofs required of their innocence, as from a deficiency in the fund for reprisal to English adventurers, arising principally from a profuse grant
“ made by the crown to the duke of York. The
“ parliament of Ireland, having made this settlement
“ of the island,—in effect on themselves,—granted
“ an hereditary revenue to the crown, as an indemnity for the forfeitures thus relinquished by
“ Charles the second.”

“ By this act,” says Mr. O’Conor*, “ which
“ closed the settlement of Ireland, the catholics were
“ robbed of 2,700,000 acres, of arable and pasture,
“ besides immense wastes, which had been guaranteed to them by the peace of 1649, as well as by
“ their long faithful services to his majesty ; and by

* History of Ireland, p. 98.

“ every title, which immemorial possession, and the
 “ laws of every society, in which transmissible possession is recognized, could bestow. The chief,—
 “ indeed it may be said, the only sufferers, were those
 “ of Irish name and descent. Whatever remnant had
 “ been left of former confiscations was now absorbed
 “ in the vortex and abyss of the Restoration-settlement. The M^cGuires, M^cMahons, M^cGwinnesses,
 “ M^cCarthys, O[’]Rourkes, O[’]Sullivans, O[’]Moors,
 “ O[’]Conors Roe, O[’]Conors Sligo, O[’]Creans, were
 “ involved in one promiscuous ruin. Henceforth
 “ they disappear from the page of history.”

LXVI. 10.

*The Remonstrance of the Irish Catholics, presented to
 Charles the second in 1661.*

ALMOST immediately after the Restoration of Charles the second, his majesty advanced the marquis of Ormond,—so often mentioned in the preceding section,—to the dignity of duke, and appointed him to the lieutenancy of Ireland. The general body of the catholics hoped to find a friend in his grace ; but he was distrusted by several,—and opinions on his conduct towards the catholics are still divided. In Mr. Plowden’s *Historical Review of the State of Ireland*, strong facts and arguments are produced to fix on his administration, the charge of cruelty and duplicity : In doctor O[’]Conor’s *Letters of Columbanus* *, his grace has found a powerful advocate :

* The title of this singular work is, “ *Columbanus ad Hibernos*; or *A Letter from Columban to his Friend in Ireland, on the present mode of appointing Catholic Bishops in his native Country*, 8vo.

the testimonies too of archdeacon Lynch and father Walsh are highly favourable to him ; and even doctor Talbot, afterwards the catholic archbishop of Dublin,

It appeared in seven numbers, in 1810—1816. The “ *Historical Addresses*,” which are inserted in it, “ *on the calamities occasioned by foreign influence in the nomination of bishops to the Irish sees*,”—abound with important information. It is greatly to be wished, that the reverend author would favour the public with a full, temperate, and methodical history of the Irish catholics, since the Reformation. It is the greatest desideratum in the religious history of the catholics ;—and no one,—*pareat modo viribus*, is so well qualified for the execution of it, as Columbanus :—particularly on account of his access to the literary treasures at Stow,—without which, and the perusal of the *Memoirs of the Nuntio Rinuccini*, in the Holkham library, a complete history of the Irish catholics, during the period in question, cannot be written. The writer suspects that the Ormond manuscripts contain much important matter, which Carte has not brought forward ;—but that still more interesting information might be found in the printed and manuscript collections in the Vatican.

“ The *Memoirs of the Nuntio*,” says Carte, in his preface to his *Life of Ormond*, “ take up above 7,000 pages, in folio, “ consisting of several volumes, and are written in Latin ; the “ title of it being, “ *De Hæresis Anglicanæ intrusione et progressu, et de bello catholico ad annum 1641, in Hibernia capto, exindeque per aliquot annos gesto, commentarius*. It was wrote “ after the nuntio’s death, by an Irish roman-catholic priest, “ whom Thomas Baptista Rinuccini, great chamberlain to the “ grand duke of Tuscany, employed to digest his brother’s “ papers, and reduce them into the form of a narration.”

The whig bishops of Columbanus are very interesting : many of them retired to St. Malo’s, and printed, in that city, several works of importance on the events of the times : these are now become extremely scarce. The writer employed a gentleman to search for them at St. Malo’s : he could not discover any ; but found that the venerable exiles, their virtues and sufferings, were still remembered with respect.

in his *Friar Disciplined*, extols him. Still, in the opinion of the present writer, Mr. Plowden, to use professional language, has made a strong case against the lord lieutenant ; but, before the duke is absolutely acquitted or condemned, much further investigation of his conduct seems to be necessary.

The part which he took respecting the document, to which the attention of the reader is now called, has also been a subject of discussion.—It had been suggested to the general body of the Irish catholics, by all their friends, that it was highly advisable for them to come forward, in a prominent manner, in the congratulations addressed to his majesty, at his restoration ; and, that, on account of the prejudice raised against them, by the proceedings of the nuntio and the clergy who adhered to him, they should avail themselves of that opportunity to declare unreserved allegiance to the sovereign, and unqualified rejection of the ultramontane principle of the divine right of the pope to temporal power.

The measure was set on foot by Peter Walsh, a Franciscan friar, professor of divinity in his order, and then residing in London. He has left a full account of all that passed respecting it, in his “ *History and Vindication of the Loyal Formulary, or Irish Remonstrance, so graciously received by his Majesty in 1661,*” a folio volume of 763 pages, closely printed, tediously written, and full of digression ; but abounding in curious and interesting matter.—We shall extract from it the following historical minutes.

1. At the time, of which we are now speaking, Edmund O'Reilly, archbishop of Armagh, Anthony

Mac-Geohegan, bishop of Meath, and Owen O'Swinnay, bishop of Kilmore,—(who was then bed-ridden),—were the only three catholic prelates, remaining in Ireland. The two first,—and James Dempsey, vicar-apostolic of Dublin and capitulary of Kildare,—Oliver Dease, vicar-general of Meath, Cornelius Gaffney, vicar-general of Ardagh, Barnaby Barnewell, superior general of the Capuchins, father Browne, superior general of the Carmelites, and father Scurlog, prior of the Dominicans, signed on the 1st of January 1660, old style, *a power of attorney, authorizing father Walsh, to attend his majesty in their names*,—to congratulate him on his restoration,—to solicit the free exercise of their religion, and *the Graces* promised and confirmed to them, in 1648, by the marquis of Ormond*. The procuration was afterwards signed by other ecclesiastics, and particularly the bishops of Dromore, Ardagh and Ferns.

The year 1660, and the greater part of the year 1661 passed, without any further proceeding in this business; but, towards the close of the latter year, it was determined to present an address to his majesty, to the effect, which has been mentioned. The framing of it was intrusted to Mr. Richard Bellings. He adopted the *Declaration*, inserted by father Cressy, in his *Exomologesis*. Of this work there are two editions; the first was printed at Paris in 1647, and contains the Declaration;—in the second edition, it is omitted.—It is expressed in the following words:

* It has been explained, what the Graces were, which at this time, the Irish catholics solicited.

2. “ *To the King’s Most Excellent Majesty,*

“ *The humble Remonstrance, Acknowledgement,*
“ *Protestation, and Petition of the Roman*
“ *Catholick Clergy of Ireland.*

“ Your majesty’s faithful subjects, the roman-
“ catholic clergy of your majesty’s kingdom of Ireland,
“ do most humbly represent ~~this~~ their present state
“ and deplorable condition.

“ That being intrusted by the indispensable com-
“ mission of the King of kings with the cure of souls,
“ and the care of their flocks, in order to the adminis-
“ tration of sacraments, and teaching the people that
“ perfect obedience, which for conscience sake they are
“ bound to pay to your majesty’s commands, they are
“ loaded with calumnies and persecuted with severity.

“ That being obliged by the allegiance they owe,
“ and ought to swear unto your majesty, to reveal all
“ conspiracies, and practices against your person and
“ royal authority, that come to their knowledge, they
“ are themselves clamoured against as conspirators,
“ plotting the destruction of the English among them,
“ without any ground that may give the least colour
“ to so foul a crime to pass for probable in the judg-
“ ment of any indifferent person.

“ That their crimes are as numerous as are the
“ inventions of their adversaries: and because they
“ cannot with freedom appear to justify their inno-
“ cency, all the fictions and allegations against them
“ are received as undoubted verities: and, which is
“ yet more mischievous, the laity, upon whose con-
“ sciences the characters of priesthood gives them an

“ influence, suffer under all the crimes thus falsely
“ imputed to them : it being their adversaries’ principal
“ design, That the Irish, whose estates they enjoy,
“ should be reputed persons unfit and no way worthy
“ of any title to your majesty’s mercy.

“ That no wood comes amiss to make arrows for
“ their destruction ; for, as if the roman-catholic
“ clergy, whom they esteem most criminal, were, or
“ ought to be a society so perfect, as no evil, no
“ indiscreet person should be found amongst them,
“ they are all of them generally cried down for any
“ crime, whether true or feigned, which is imputed
“ to one of them ; and as if no words could be spoken,
“ no letter written, but with the common consent of
“ all of them, the whole clergy must suffer for that
“ which is laid to the charge of any particular person
“ among them.

“ We know what odium all the catholic clergy
“ lies under, by reason of the calumnies with which
“ our *tenets* in religion, and our dependence upon
“ the pope’s authority, are aspersed ; and we humbly
“ beg your majesty’s pardon to vindicate both, by the
“ ensuing protestation which we make in the sight
“ of Heaven, and in the presence of your majesty,
“ sincerely and truly, without equivocation or mental
“ reservation.

“ We do acknowledge and confess your majesty
“ to be our true and lawful king, supreme lord and
“ rightful sovereign of this realm of Ireland, and of
“ all other your majesty’s dominions. And therefore
“ we acknowledge and confess ourselves to be obliged
“ under pain of sin to obey your majesty in all civil

“ and corporal affairs, as much as any other of your
“ majesty’s subjects, and as the laws and rules of
“ government in this kingdom do require at our hands.
“ And that notwithstanding any power or pretension
“ of the pope or see of Rome, or any sentence or
“ declaration of what kind or quality soever, given or
“ to be given by the pope, his predecessors or succes-
“ sors, or by any authority spiritual or temporal
“ proceeding or derived from him or his *see*
“ against your majesty or royal authority, we will
“ acknowledge and perform to the utmost of our
“ abilities our faithful loyalty and true allegiance to
“ your majesty. And we openly disclaim and renounce
“ all foreign power, be it either papal or princely,
“ spiritual or temporal, inasmuch as it may seem able,
“ or shall pretend to free, discharge or absolve us
“ from this obligation, or shall any way give us leave,
“ or license to raise tumults, bear arms, or offer any
“ violence to your majesty’s person, royal authority,
“ or to the state or government. Being all of us
“ ready not only to discover, and make known to
“ your majesty and to your ministers all the treasons
“ made against your majesty or them, which shall
“ come to our hearing ; but also lose our lives in the
“ defence of your majesty’s person and royal autho-
“ rity, and to resist with our best endeavours all con-
“ spiracies and attempts against your majesty, be they
“ framed or sent under what pretence, or patronized
“ by what foreign power or authority soever. And
“ further, we confess that all absolute princes and
“ supreme governors, of what religion soever they be,
“ are God’s lieutenants on earth, and that obedience

“ is due to them according to the laws of each com-
“ monwealth respectively in all civil and temporal
“ affairs. And therefore we do here protest against
“ all doctrine and authority to the contrary. And
“ we do hold it impious, and against the word of God,
“ to maintain that any private subject may kill or
“ murder the anointed of God, his prince, though of
“ a different belief and religion from him; and we
“ abhor and detest the practice thereof as damnable
“ and wicked.

“ These, being the tenets of our religion, in point
“ of loyalty and submission to your majesty’s com-
“ mands, and our dependence of the see of Rome no
“ way intrenching upon that perfect obedience which
“ by our birth, by all laws divine and human, we are
“ bound to pay to your majesty, our natural and law-
“ ful sovereign; we humbly beg, prostrate at your
“ majesty’s feet, that you would be pleased to protect
“ us from the severe persecution we suffer merely for
“ our profession in religion; leaving those that are,
“ or hereafter shall be, guilty of other crimes (and
“ there have been such in all times, as well by their
“ pens as by their actions,) to the punishment pre-
“ scribed by the law.”

3. Father Walsh *delivered a copy of this address into the hands of the duke of Ormond*: his grace expressed himself to be generally satisfied with it; but observed, that, “ till it was signed, it was bare paper.” Upon this, father Walsh procured a meeting of the bishop of Dromore, and about thirty Irish priests, then in London. It was signed by the bishop and twenty-four of the priests; the others excused them-

selves from signing it, on the ground of inconvenience or inexpediency ; but all acknowledged, that they saw no objection to it, from any want of catholicity.—In about eight weeks after this time, a declaration, differing a little in the preamble, and in the petition at the close of the declaration, was signed by ninety-seven of the Irish nobility and gentry, who were then in London. It was presented to his majesty, and graciously received by him.

Some additional signatures of the clergy were obtained ; particularly that of Lynch, bishop of Ferns, then resident at St. Malo.

4. *A formal opposition to the Remonstrance* soon took place :—it was headed by Mac Geohegan, bishop of Meath.—At this time, Hieronimus de Vecchiis, the pope's internuntio at Brussels, was intrusted, by the papal see, with the superintendence of the spiritual concerns of the Irish catholics.—In a letter, dated the 21st of July 1662, he signified to the Irish clergy, that “ after most diligent discussions, at several meetings of most eminent cardinals and divines, the protestation had been found, like the returning hydra, to contain propositions, agreeing with others, thentofore condemned by the see apostolic, particularly by Paul the fifth, of happy memory, by a constitution in the form of a brief, and then lately in a congregation, purposely held to that end, by Innocent X :—That the pope thought nothing further necessary, than that this very thing should be declared ; and that the remonstrance was not to be permitted or tolerated ;—that he even grievously resented, that, by the example of the ecclesiastics,

“ the secular nobility of the kingdom of Ireland had
 “ been drawn into the same errors ;—Their protes-
 “ tation and subscription he did in like manner
 “ condemn.”

5. By a letter of the 8th of the same month of July, cardinal Barberini, in the name of the whole congregation *de propagandâ fide*, addressed a letter to the nobility and gentry of Ireland, condemning the remonstrances, “ as containing propositions, thereto-
 “ fore condemned by the holy see*.”

These letters of the cardinal and internuntio increased the opposition :—“ But,” says father Walsh, (p. 42), “ all the while, not even to the writing hereof, “ for so many years, since 1661, to the present,— “ about the year 1666,—there was not, among such “ a multitude of pretences, any one, alledged by any, “ of unlawfulness, unconscientiousness, or uncatholic- “ ness, in point of faith, religion, or morality, in the “ subscription of that remonstrance, or of that decla- “ ration of allegiance, or of the petition annexed “ thereunto.” He ascribes the opposition, which it received, to the prevalence of the ultramontane doctrine respecting the divine right of the pope to temporal power.

* It is observable, that these declarations of the cardinal and the internuntio, demonstrate, that the real objection, the *cardo causæ*, as it was justly termed by Widdrington,—(See vol. i. p. 319 of this work), to the oath of allegiance, propounded by James the first, was, its denial of the deposing doctrine. The Irish remonstrance does not describe that doctrine by any of the epithets used in the oath of James the first,—or by any other epithet. Most clearly, therefore, the doctrine itself was said, by the cardinal and the internuntio, to have been condemned, by the former bulls.

6. Still,—*the Remonstrance*,—for by this name, the instrument was generally known,—*gained some ground*; forty-two additional signatures of Irish priests were obtained. A new form, of a declaration of allegiance, was proposed by the Irish Dominicans; three other forms, each stronger than the preceding, were proposed by the Irish jesuits.—All expressed a strong profession of allegiance; none disclaimed, in express terms, the right of the pope to the deposing power.

The dean and chapter of the English clergy, by a letter dated the 18th of October 1682, signed by Humphry Ellice, the dean, and addressed to the bishop of Dromore, informed his lordship, that, “the
“ remonstrance of the catholic clergy of Ireland, who
“ subscribed it, had redeemed themselves from calum-
“ nies; had relieved the laity in their charge, from
“ heavy pressures; and opened a door to liberty of
“ religion; by which,” says the dean, “you have
“ performed the office of good pastors, both in fram-
“ ing and subscribing your allegiance to your prince;
“ to hold forth to the whole world your religion pure
“ and spotless; your religion built on a basis immova-
“ ble; and yourselves, well-resolved subjects.”

The adversaries of the Remonstrance denounced it to the University of Louvaine. This was a great obstacle to the obtaining of further signatures from the clergy: but the additional signatures of eight Irish peers, and twenty-three commoners were obtained, by which, the number of the Irish nobility and gentry, who signed the instrument of remonstrance, amounted to 121; of these, twenty-one were peers.

7. Those who had signed the Remonstrance were

desirous of procuring other signatures, and framed a letter to be circulated for this purpose, but *its circulation was prevented by the duke of Ormond*. With this, his grace was always reproached: The reason assigned in his defence, by father Walsh, is plausible. His grace, by his account, foresaw, that the generality of the Irish catholics would not sign it, unless it was previously signed by the clergy; and he wished, therefore, that it should be previously signed by these, before it was generally tendered to the laity.

8. In this stage of the business, the Faculty of Theology of the University of Louvaine, pronounced a formal condemnation of the Remonstrance. Against this condemnation, father Caron, a Franciscan, published his *Defensio Remonstrantiæ Hibernorum adversus Lovanienses ultramontanasque censuras*, a work, generally esteemed, and abounding in instructive and interesting information. By a letter of father Henry di Redderi, a commissary-general of the order,—father Caron, and all the other friars, who had signed the Remonstrance, were ordered to Rome, to account for their conduct. Father Caron and father Walsh refused to obey this order, on the ground, that the king refused them his permission to leave the kingdom; and that, to leave it without his permission, was treason by the antient laws of England and Ireland.

9. Thus the Remonstrance still continued a subject of controversy. Various *other formularies* were proposed: but none contained an explicit declaration, that the pope had, in no possible case, a divine right to the deposing power. The duke of Ormond uni-

formly declared, that nothing, short of this, would satisfy him. Under this impression, he persisted in requiring a general and uniform subscription of the Irish clergy to the Remonstrance, delivered to him by father Walsh :—by this, he thought it sufficiently expressed.

10. With the license of Ormond, *a congregation of the catholic clergy*, for its discussion, was convened at Dublin. Fifty-three ecclesiastics attended it. Among these, were the archbishop of Armagh, primate of all Ireland, the bishop of Ardagh, and the bishop of Kilfinuragh. The last had the proxy of the archbishop of Tuam. The other members of the assembly, were vicars-apostolic, vicars-general, superiors of regular orders, and divines, brought by the bishops, or the superiors of the regulars.

11. On Monday, the 11th of June 1666, the congregation held their *first sitting*, and elected the bishop of Kilfinuragh for their president, and Nicholas Redmond, vicar-general of Ferns, for their secretary.

On the following day, the 12th of June, they held their *second sitting*, examined the qualifications of the members present ; and verified the proxies.

In the evening, Reilly, the archbishop of Armagh, and catholic primate of Ireland, arrived in Dublin, and produced a letter from Rospigliosi, the pope's internuntio at Brussels, deprecating the signature of the Remonstrance, and calling it the work of some nefarious brethren.

On Wednesday, the 13th of June, the congregation held their *third sitting*: Sir Nicholas Plunket, Sir Robert Talbot, and John Walsh, esq. delivered

to them the following message from the lord lieutenant :

“ That it is too well known to divers persons, in
“ the present meeting of the Romish clergy in this
“ city of Dublin, what attempts have been made
“ upon the royal authority in this kingdom, under
“ colour of the pretended authority, power, and juris-
“ diction of the pope ; and how far those attempts
“ prevailed in keeping many of the people from re-
“ turning to their due obedience to the crown, and
“ in withdrawing divers of those from it, who were
“ returned to it, hath sufficiently appeared, not only
“ by the violation of the peace granted them by his
“ majesty’s gracious indulgence and clemency, but
“ also of the faith of the then confederate roman-
“ catholicks, by the instigation, procurement, and
“ pretended authority of Rinuccini the pope’s nuncio
“ in the year 1646, and by the proceedings of the
“ titular bishops at Jamestown in the year 1650.

“ Secondly, That divers of the nobility and
“ gentry of Ireland, and of the said clergy, in
“ January and February 1661, calling to mind those
“ attempts, and the deplorable consequence thereof
“ to the crown, and to themselves, presented his
“ majesty with a remonstrance and protestation of
“ their loyalty to his majesty, and of their renuncia-
“ tion and detestation of any doctrine or power, from
“ whence such practices might be deduced; to which
“ remonstrance and protestation, divers others of the
“ nobility and gentry, and most of the said clergy
“ resident in this kingdom, have not yet subscribed;
“ although more than four years are effluxed, since
“ the same was first presented to his majesty.

“ Thirdly, That the said clergy (whose example
“ and encouragement the laity of their profession
“ may possibly expect) have delayed their subscrip-
“ tions, on pretence that they wanted the liberty
“ of advising and consulting, which they conceived
“ necessary in a matter of so great importance, which
“ being now admitted to them with freedom and
“ security : It is expected that they should make
“ use thereof, for asserting and owning his majesty’s
“ royal authority, to the satisfaction of all his ma-
“ jesty’s good subjects, and to the particular advantage
“ of the said clergy themselves, and those of their
“ religion, and employ the time that for that purpose
“ will be allowed them, which neither can, nor need
“ be long, both in respect of the present conjuncture
“ of affairs, and for that it may reasonably be pre-
“ sumed, that in four years time the said remonstrance
“ and protestation is sufficiently understood, and may
“ be speedily resolved upon.”

The bearers of the message, were received and dismissed with great respect. Father Walsh then made an harangue,—learned, sensible, but very prolix, and full of digression. Its object was to shew the orthodoxy of the Remonstrance ; the expediency of its signature by the members of the congregation, and the fatal consequence of withholding them. The father’s harangue was heard with attention and respect : but no debate upon it ensued ; neither was the message from his excellency taken into consideration.

The congregation held their *fourth sitting*, on Thursday, the 14th of June. The members resolved not to sign the Remonstrance,—nor even discuss it ;

but to sign another profession of allegiance ; and not to petition for any pardon of former misconduct imputed to the body. Against these resolutions, father Walsh strenuously remonstrated : In the evening, the primate Reilly, accompanied by father Walsh, waited on the lord lieutenant. His excellency received them with great courtesy ; but intimated to the primate, his opinion of his former misconduct ; and strongly recommended to him that the clergy should avail themselves of the present opportunity of redeeming their past offences to the state.

On Friday, the 15th of June, the congregation held their *fifth sitting*, and Mr. Richard Bellings attended them, with the following message from the lord lieutenant.

“ That I understand it is reported, I intend in a
“ few days to leave this city, and that it is thence
“ apprehended by those of the Romish clergy now
“ met here, that they may not have time to consider
“ of and conclude upon the business, for which their
“ meeting is permitted, namely, for subscribing to
“ the Remonstrance and Protestation subscribed and
“ presented to his majesty, in January and February
“ 1661, by divers of the nobility, gentry, and Romish
“ clergy :—Whereupon I think it fit to let them
“ know, I have no purpose of leaving this city so
“ soon, but that they may have time enough to re-
“ solve upon subscribing the said Declaration and
“ Protestation, which contains nothing but a neces-
“ sary and dutiful acknowledgment of the loyalty
“ they owe his majesty, and a condemnation of all
“ doctrine and practice contrary thereunto. And I

2

“ think fit further to put them in mind, that such
“ an opportunity as this, hath not been given to
“ them, or to their predecessors; and if now lost,
“ may not perhaps be easily or quickly recovered.”

This message produced no effect on the assembly. Father Walsh then pressed the members to sign a formal declaration, drawn up by him, that, “ they
“ saw nothing, in the Remonstrance, contrary to
“ catholic faith, or which might not be owned or
“ subscribed with a safe and good conscience.”—
This, they declined.—Finally, the father proposed, that they should appoint a committee of their best divines, to examine the Remonstrance, article by article, and report their opinion upon it.—This also they declined.

Another instrument now became a subject of discussion. On the 4th of May 1663, the faculties of theology at Paris, came to six resolutions respecting the civil and temporal power of the pope,—his superiority over a general council,—and his personal infallibility. The three first of these resolutions the committee adopted at their *sixth sitting*,—it took place on the 16th of June.—They presented a petition to his excellency acknowledging “ the favour,
“ which he had done them, in allowing them to meet
“ and hold a free conference, and to concur in a
“ remonstrance and protestation of their true loyalty
“ to his majesty, wherein they resolved inviolably to
“ continue;—which they beseeched his grace to
“ accept from them;—and to present to his majesty,
“ the protestation of allegiance, prepared by them-
“ selves, and so unanimously agreed upon, that there

“ was no dissenting voice.”—Their protestation was expressed in the following words.

“ *To the King's most Excellent Majesty,*
“ *Charles the second, King of Great*
“ *Britain, France, and Ireland.*

“ WE your majesty's subjects, the roman-catholic
“ clergy of the kingdom of Ireland together assembled,
“ do hereby declare, and solemnly protest before God
“ and his holy Angels, That we own and acknowledge
“ your majesty to be our true and lawful king, su-
“ preme lord and undoubted sovereign, as well of
“ this realm of Ireland as of all other your majesty's
“ dominions ; consequently we confess ourselves
“ bound in conscience to be obedient to your majesty
“ in all civil and temporal affairs, as any subject
“ ought to be to his prince, and as the laws of God
“ and nature require at our hands. Therefore we
“ promise that we will inviolably bear true allegiance
“ to your majesty, your lawful heirs and successors,
“ and that no power on earth shall be able to with-
“ draw us from our duty herein. And that we will
“ even to the loss of our blood, if occasion requires,
“ assert your majesty's rights against any that shall
“ invade the same, or attempt to deprive yourself or
“ your lawful heirs or successors of any part thereof.
“ And to the end this our sincere protestation may
“ more clearly appear, We further declare that it is
“ not our doctrine that subjects may be discharged,
“ absolved, or freed from the obligation of performing
“ their duty of true obedience and allegiance to their
“ prince : much less may we allow of or pass as

“ tolerable, any doctrine that perniciously and against
“ the word of God maintains, That any private subject
“ may lawfully kill or murder the anointed of God,
“ his prince. Wherefore pursuant to the deep apprehension we have of the abomination and sad
“ consequences of its practice, we do engage ourselves
“ to discover unto your majesty or some of your
“ ministers any attempt of that kind, rebellion, or
“ conspiracy against your majesty’s person, crown or
“ royal authority, that comes to our knowledge,
“ whereby such horrid evils may be prevented.
“ Finally,—As we hold the premises to be agreeable
“ to good conscience, so we religiously swear the due
“ observance thereof to our utmost, and will preach
“ and teach the same to our respective flocks. In
“ witness whereof we do hereunto subscribe the
“ 15th day of June 1666.”

The congregation accompanied this protestation with the three following propositions, the terms of which are exactly conformable to those of the three first resolutions in the Parisian declaration.

I.

“ WE do hereby declare, That it is not our
“ doctrine, that the pope hath any authority in
“ temporal affairs over our sovereign lord king Charles
“ the second; yea, we promise that we shall still
“ oppose them, that will assert any power, either
“ direct or indirect, over him in civil and temporal
“ affairs.

II.

“ That it is our doctrine, That our gracious king
 “ Charles the second is so absolute and independent,
 “ that he acknowledgeth not, nor hath in civil and
 “ temporal affairs, any power above him under God :
 “ and that to be our constant doctrine, from which
 “ we shall never decline.

III.

“ That it is our doctrine, That we subjects owe
 “ such natural, and just obedience unto our king,
 “ that no power, under any pretext soever, can either
 “ dispense with us, or free us thereof.

“ *Edmund*, Archbishop of Ardmagh, and
 “ Primate of all Ireland.

“ *Andrew*, Bishop of Kilfinuragh,
 “ Chairman.”

“ *Nicholas Redmond*, Secretary.”

At the *seventh meeting*, nothing important seems to have taken place ; but, at the *eighth*,—which was held on Monday the 18th of June,—the assembly received a third message from his excellency, in which he observed to them, that, “ together with the propo-
 “ sitions, sent and signed by them, there were three
 “ material propositions omitted, which might as well
 “ be appropriated to his majesty, and the kingdom
 “ of Ireland, as the others were.”

This message, the congregation discussed at their *ninth sitting*.—On the 10th, which was held on the

20th of June, they presented to his excellency the following petition.

“ To his Grace the Lord Duke of Ormond, Lord

“ Lieutenant of Ireland.

“ The humble petition of the Roman Catholic Clergy
of Ireland

“ Sheweth, that your petitioners have of late subscribed and presented to your grace a remonstrance, manifesting the obligations of duty and loyalty which your petitioners do, and ever shall owe unto their sovereign lord the king, and withal subscribed three propositions which they humbly conceived did conduce unto a further setting forth of the principles of their loyaltie, thereby endeavouring to give your grace all possible satisfaction ; and as touching the three propositions sent unto them for to be subscribed, they now return the annexed of the motives, why they did not sign them for your grace's further satisfaction, hoping it may meet the success they wish for.

“ It is therefore the most humble request of your petitioners, that your grace will be favourably pleased to dismiss them ; and the rather, because most of them have not wherewithal to defray so long and chargeable attendance in this city.

“ And your petitioners shall pray.”

To this petition they added a paper, containing their reasons for not signing the three other propositions.

They first give the following translation of the propositions.

IV.

“ That the same faculty doth not approve, nor
“ ever did, any propositions contrary unto the French
“ king’s authority, or true liberties of the Gallican
“ church or canons received in the same kingdom ;
“ for example, That the pope can depose bishops
“ against the same canons.

V.

“ That it is not the doctrine of the faculty, That
“ the pope is above the general council.

VI.

“ That it is not the doctrine or dogme of the
“ faculty, That the pope without the consent of the
“ church is infallible.”

VII.

They then give the following reasons for not signing them.

“ Because we conceive them not any way apper-
“ taining to the points controverted ; and though we
“ did, we thought we had already sufficiently cleared
“ all scruples, either by our former remonstrance,
“ separately or jointly with the three first propositions
“ we had already subscribed.

“ And as to the fourth, we looked upon it as
“ not material in our debate : for either we should
“ sign it, as it was conceived in the French original
“ copy, and we thought it impertinent to talk of the

“ French king’s authority, the Gallican priviledges
“ and canons, from whence they derive their immu-
“ nities, &c. or that we should have inserted them
“ *mutatis nominibus*, the names being only changed,
“ and then we conceived not, what more we might
“ have said, than had been touched already positively
“ in the remonstrance ; neither do we admit any
“ power derogatory unto his majestie’s authority,
“ rights, &c. yea, more positively then doth the
“ French proposition as may appear.

“ As to the 5th, we thought it likewise not
“ material to our affair to talke of a school question
“ of divinity controverted in all catholick universities
“ of the world,—whether the pope be above general
“ council or no ? whether he can annul the acts of a
“ general council or no ? dissolve the general council,
“ or whether contrariwise, the council can depose
“ the pope, &c. ? Secondly, we conceive it not only
“ impertinent but dangerous in its consequence and
“ unseasonable to talk of a question which without
“ any profit, either to the king or his subjects, may
“ breed jealousy between the king and his subjects,
“ or may give the least overture to such odious and
“ horrid disputes, concerning the power of kings and
“ commonwealths, as our late sad experience hath
“ taught us.

“ The 6th regards the pope’s infallibility in
“ matters of faith, Whether the pope, not as a private
“ doctor, but with an especial congregation of doctors,
“ prelates, and divines deputed, can censure and con-
“ demn certain propositions of heresie ? or whether
“ it be necessary to have a general council from all

“ parts of the world to decide, define, censure, and
 “ condemn certain propositions of heresie ? The
 “ Jansenists already condemned of heresie by three
 “ popes, and all the bishops of France, to vindicate
 “ themselves from the censure, contest the first way ;
 “ they write in their own defence, and many more
 “ against them. On which subject is debated the
 “ *quæstio facti*, whether the propositions condemned
 “ as heresie by the pope, be in the true sense and
 “ meaning of the Jansenists or no ? whether in his
 “ book or no ? as may appear by such as we can
 “ produce, if necessary.

“ The universities of France say, That it is not
 “ their doctrine, that the pope, &c. Whether this
 “ touched our scope or no, we leave it to all prudent
 “ men to judge. If they think it doth, let them
 “ know, that we should not hould the pope’s infalli-
 “ bility if he did define anything against the obedience
 “ we owe our prince. If they speak of any other
 “ infallibility as matter of religion and faith ; as it
 “ regardeth us not, nor our obedience unto our
 “ sovereign, so we are loath, forraign catholic nations
 “ should think we treat of so odious and unprofitable
 “ a question, in a country where we have neither uni-
 “ versitie nor Jansenist amongst us, if not, perhaps
 “ some few particulars, whom we conceive under
 “ our hand to further this dispute to the disturbance
 “ of both king and country.”

On the following day, the primate reported to the
 congregation then assembled, in their *eleventh sitting*,
 that the petition and paper of reasons had been un-
 favourably received by his excellency. At the request

of the congregation, father Walsh waited on his excellency, and requested his leave for their continuing to hold their sittings for three days more. To this application his excellency readily consented. In consequence of it, a committee was formed, and took into its consideration, the three contested articles.

At their *twelfth sitting*, which was held on the following day, the committee reported against them: the three first were then solemnly signed: and, on the thirteenth of June they were presented to his excellency, by two deputies from the congregation. His excellency received them coolly, and told them, that, “he should represent to his majesty both them “and their instruments, as they deserved.”

In the mean time, two secular priests, two Dominicans, and fourteen Franciscans, of the town of Wexford, addressed an expostulatory letter to the congregation, urging them in very strong terms, and by very pressing arguments, to sign the original remonstrance. The letter was read at the *fourteenth sitting* of the congregation: but produced no effect.

The *fifteenth and last sitting* of the congregation was held on the 25th of June. The deputies made their report of the manner, in which his excellency had received their tender of the three articles.—An offer was made to father Walsh, by the whole congregation,—to raise, from the clergy, a large sum of money to defray the expences, which he had incurred, and was likely to incur, in his exertions to serve them;—“And to give him the best testimonials, and “even the most special commendatory letters too, “signed by the whole congregation in his behalf,

“ and superscribed to the court of Rome, papal ministers, cardinals, and even to his holiness.”— Both these honourable offers, father Walsh respectfully refused.

12. Then *addressing himself for the last time to the congregation*, he requested their attention to three points:—The first was a recommendation, that, in their public service, they should always pray for the spiritual and temporal prosperity of the king, and observe the public days of fasting and prayer, enjoined by government.—The congregation agreed, that, the clergy and laity should be directed to pray for the happy success of king Charles II, the queen, and all the royal family, and of the duke of Ormond.

The second point, to which father Walsh called the attention of the congregation, respected certain miracles supposed to have been wrought by father James O’Finactui, a Franciscan friar.—In a speech, prolix as usual, but not unentertaining, he related and exposed the Franciscan’s practices. The whole congregation treated them as absolute impositions; and declared, that the exhibitions and feats should be every where discredited and prohibited.

The third point was of more consequence;—the father produced two works; the first was entitled, *Disputatio Apologetica de Jure regni Hiberniæ, pro catholicis Hibernis adversus hæreticos Anglos*; with an appendix, entitled, *Exhortatio ad Catholicos Anglos*. It was said, in the title, to be printed at Frankfurt, *superiorum permissu*; but was supposed to have been printed in Portugal: its author was an old Irish jesuit, residing in that kingdom, by name Constantine,

or Cornelius, (in Irish, Con, or Cnochoor,) and by surname O'Mahony, a native of Munster. The object of it was to shew, that no king of England had any right to the kingdom of Ireland, and that the old natives themselves might and ought to choose a king, and throw off the yoke of heretics and foreigners. In the nuntio's time, many copies of this treatise had been privately dispersed; but, in 1648, the work came to the knowledge of the supreme council, and by their orders was publicly burned, in that year, by the hangman at Kilkenny.

The other book was composed by Richard Ferral, a capuchin friar, and is the same in effect, as the former. It was published about 1658; with the title, "*Ad sacram congregationem de propagandâ fide: Hic, authores et modus eversionis religionis catholicæ in Hibernia recensentur; et aliquot remedia pro conservandis reliquiis catholicæ religionis et gentis proponuntur.*" Against this work archdeacon Lynch published his *Alithinologia, sive veridica Responsio ad Invectivam mendaciis, fallaciis calumniis & imposturis fæctam, in plurimos antistites, procures, et omnis ordinis Hibernos, a R. P. R—— F—— C——, congregationi de propagandâ fide: Anno Domini 1658 exhibitam*;—Against the same work, Lynch subsequently published his *Supplementum Alithinologiæ*.

Father Walsh exposed the wickedness and folly of both the works; and the assembly, without a dissenting voice, decreed them both to be burned. The capuchins present declared, that the general chapter of the capuchins had condemned both father Ferral and his work.

13. Here the *assembly closed*: the president pro-

nounced the formal words of dismissal, *Ite in pace*, and the members separated.

On the result of this celebrated assembly, the reader will make his own observations. He will naturally read the two forms of remonstrance, compare them with each other ; compare both with the oath of allegiance proposed by James I, and the oaths of allegiance, now taken by the English and Irish catholics ; and examine in what they differ. When he has formed his opinion on this point, it will not be difficult for him to form a just and important conclusion.

14. It has been frequently asserted, that, in allowing the assembly to meet, and insisting on the exact terms of the formulary, the real object of the duke of Ormond, was to effect a division in the catholic body ; and particularly in its clergy. The proofs, by which this assertion is supported, are very strong. Doctor Curry, (in his *Review*, b. ix. c. 14.) cites a letter, written by the earl of Corke to the duke of Ormond, in 1666, the year of the meeting, in which, his lordship suggests to the duke's consideration, whether it were not a fit season to make that schism, which " you," says his lordship, addressing himself to the duke, " have been sowing among the popish clergy ; " so as to set them at open difference, as we may " reap some practicable advantage thereby."—The duke himself seems to have explicitly avowed that this was his object in permitting the meeting. Carte* informs us, that, when some of the political adversaries of his grace reproached him, with favouring the catholics, during his administration, and instanced, in

* Life of Ormond, vol. ii. Appendix.

proof of it, his permission of the synodical meeting of the catholic clergy, the duke frankly declared, that “ his aim, in permitting that meeting, was to work a “ division of the Romish clergy.”—How very different in 1791, was the conduct of Mr. Pitt;—who, in that year, when a division had broken out in the catholic body, then petitioners to parliament for relief, nobly composed the difference, and annihilated the subject of contention !

LXVI. 11.

Biographical Memoir of Father Walsh.

THE writer feels it incumbent on him, to apprise his readers, that his account of the Remonstrance, is taken, almost entirely, from the history published of it by father Walsh. The title of his work is, “ *The history and vindication of the Loyal Formulary, or Irish Remonstrance, so graciously received by his Majesty, anno 1661,—against all Calumnies and Censures. In several Treatises, with a true account and full discussion, of the Delusory Irish Remonstrance, and other papers framed and insisted on, by the National Congregation at Dublin, anno 1666; and presented to His Majesty’s then Lord Lieutenant of that kingdom, the duke of Ormond; but rejected by his Grace. To which are added Three Appendixes: Whereof the last contains, the Marquis of Ormond Lord Lieutenant of Ireland, His long and excellent Letter of the 2d of December 1650. In answer to both the*

“ *Declaration and Excommunication of the Bishops,
 &c. at James Town. The Author, Father Peter
 Walsh of the Order of St. Francis, Professor of
 Divinity. Melior est Contentio Pietatis causâ
 suscepta, quam vitiosa concordia. Greg. Nazian.
 Oratio I. pro pace. Printed Anno MDCLXXIV.*”

Two other works of father Walsh are in the possession of the writer,—“ *Causa Valesiana, epistolis ternis prælibata : in antecessum fusioris Apologiæ. Quibus accesserunt appendices duæ ; una instrumentorum : altera de Gregorio VII, additamentum. Authore J. Petro Valesio. Ord. S. Francisci Stricti Obser. S. T. Professore.*” 1684. 8vo. — It is followed by an *Additamentum de Carono*—containing a short account of the life and last hours of father Caron, the collaborator of Walsh, in his efforts to obtain signatures to the Remonstrance. The other work of father Walsh possessed by the writer, is his “ *Four Letters on several Subjects, to Persons of Quality. The fourth being an Answer to the Lord Bishop of Lincoln’s Book, entituled, Popery, &c. By Peter Walsh of St. Francis’s Order, Professor of Divinity,*” 1686. 8vo. Each of these works is extremely curious, and extremely rare. Father Walsh also published, “ *A more ample Account*” of the proceedings respecting the Irish Remonstrance, and “ *A Prospect of the State of Ireland from the Year of the World 1156, to the Year of our Lord Christ 1682 ;*” but he brought it down no further than the year of the world 1652.—It was printed in 1682. An account of his life is given by Sir James Ware, and, from him, by Mr. Chalmers, in his *General Biographical Dictionary*.

Frequent mention of him is also made by doctor O'Connor, in his letters of *Columbanus ad Hibernos*.

Walsh was born at Moortown in the county of Kildare, in the early part of the 17th century. He entered into the Franciscan order, and was professor of divinity at Louvaine. The principal event in his life, was the part, which he took, in the proceedings respecting the Irish Remonstrance. For this, he and all, who signed it, were persecuted; and he, father Caron and other signing friars, were cited to Rome; but father Walsh and father Caron were ordered by his majesty not to quit the kingdom. Speaking of those, who signed the Remonstrance, Carte* mentions "that they were denounced, excommunicated, and
"persecuted with so much violence and fury, that
"they were on the point of starving in their own
"country†."

* Life of Ormond, vol. ii. p. 414.

† Five excommunications are mentioned in this chapter:—The first by the nuntio, against those, who adhered to the treaty made with the marquis of Ormond for a cessation of arms;—the second, also by the nuntio, against those, who adhered to the peace made with the earl of Inchiquin;—the third, by the bishops assembled at James-town, against those, who adhered to the peace finally concluded with the marquis;—the fourth, against those who signed the Irish Remonstrance;—the fifth, against father Walsh, father Caron, and others, who signed that instrument and did not obey the decree, which cited them to Rome. Other excommunications were issued; "The nuntio," says Carte, (*Life of Ormond, Vol. II. p. 33.*), "made his spiritual censures cheap, by thundering them out, on trifling occasions, in civil matters, and even in his own private concerns;—particularly for bringing the captain of his own vessel to account, for the prizes he had taken in a pyratrical way of cruizing at sea." Of all the excommunications which we have mentioned, the first was the

When this happened, the duke of Ormond, who had then quitted the lieutenancy of Ireland, “invited “Walsh,” says doctor O’Conor*,” to his house, and

most solemn. An application to Innocent X. for its removal was unsuccessfully made in 1648. Pope Alexander VII, by a brief, dated the 27th of August 1655, authorised the bishops of Raphoe, Laughlin, Clonfert, and Corke, or any of them, to absolve, from Rinuccini’s apostolical censures, all who were subject to them. It has been asserted, that the absolution was to be granted on the humiliating condition, that the parties should submit to prostrate themselves on the ground, and receive a flagellation on their bare shoulders. But for this there seems to be no ground. The brief is printed at length in the supplement to Burke’s *Hibernia Dominicana*, p. 919. It imposes no such condition, and only requires that the absolution should be solicited with humility; and that some kind of penance, at the discretion of the delegates, should be imposed; *impositâ singulis, aliquâ, arbitrio vestro, pœnitentiâ salutari*. It has also been said that an unconditional absolution was not granted till 1698.

These abuses of church authority, it is painful to relate: but, when the integrity of history requires the mention of them, or even the mention of the failures of the supreme pastor of the church, it becomes an historic duty: “An historian,” says Cicero, “should be equally fearful of suppressing what is true, “and of writing what is false.”—The examples of the sacred penmen shew, that this is as much a rule of Christian morality, as a precept of sound criticism. If the evangelists did not throw a veil over the crime and frailties of Peter, nothing makes it our duty to throw a veil over the crimes or failings of Peter’s successors. It must be added, that where the rule, laid down by Cicero, is not observed, the writer may be a useful partizan, or indite edifying tales, but cannot claim for his writings the praise of authentic history.

In the course of this work the writer has frequently cited the *Hibernia Dominicana* of father Burke, a former catholic bishop

* Columbanus, No. ii. page 260.

“ settled upon him a pension during life of 100*l.* per annum, equal to 200*l.* now ; and allowed him free access to his person, on terms of easy friendship and

of Ossory. It is a quarto of 797 pages, and is followed by a supplement, which begins at page 801, and extends to page 949, inclusively. In most copies, the pages from 136 to 147 have been taken out. The only copy seen by the present writer, which contains these pages, is in the possession of lord Arundell of Wardour. The *Hibernia Dominicana* is a curious and important work,—the fruit of great research, and written with elegance and method. —But ultramontaniam, often in its extreme bearings, too frequently appears. It gave great offence ; and the catholic bishops of Munster, assembled at Thurles, in July 1775,—together with the bishop of Tuam, then casually in that city,—signed a declaration, expressing “ their entire disapprobation of the work and the supplement, because they tended to weaken and subvert that allegiance, which catholics acknowledge themselves to owe, from duty and from gratitude, to king George the Third.” Before this time, father Burke had incurred much blame by his violent reprobation of an oath of allegiance, required of the roman-catholic clergy, by an act of the year 1756-7 ; and sanctioned by all the other catholic prelates in Ireland.

In 1775, the doctors of the faculty of divinity at Paris, were consulted by the catholic prelates of Ireland, on the form of an oath, then proposed to be taken by the general body of Irish catholics. It consisted of four articles ; the persons taking it, were made,—by the first, to profess that the pope neither had, nor ought to have, directly or indirectly, any temporal or civil power in Ireland ;—by the second, to disclaim the doctrine, that it was lawful to kill, destroy, or break faith with heretics ;—by the third, to reject the opinion, that princes excommunicated by the pope, or any other authority, may be deposed or put to death by their subjects, or any other person.—And by the fourth, to declare, that no power on earth could dispense with the obligations contracted by that oath. Sixty doctors of the sacred faculty, signed, on the 6th of November, 1775, an opinion, that the oath

“ familiarity, throughout a course of forty years. Over-
 “ powered by kindness, and possessed of a grateful and
 “ warm heart, Walsh knew not how to make any
 “ return; he was grieved to see in the duke’s disposition,
 “ a sternness of attachment to his own opinions, which
 “ was carried to the unjustifiable length of shutting
 “ his eyes and ears to all arguments, whether good
 “ or bad, which might be urged against them.—
 “ Under these impressions of affectionate attachment

might be lawfully taken. On the third article of it, they aver, that “ the doctrine on the murder and deposing of kings, is evidently bad in two ways;—it is *materially* heretical, that is, “ contrary to the word of God, so far as it expresses, that princes “ may be deposed; and *formally* heretical, inasmuch as it super- “ adds the lawfulness of putting them to death, agreeably to “ what was observed in the year 1680, by fifty-nine doctors of “ the faculty of Paris, who gave the same opinion concerning the “ oath formerly prescribed in England by James I.” *Doctrina de cæde et depositione principum, in duplex vitium incurrit; ut nempe sit Hæretica materialiter, id est, Verbo Dei contraria, quatenus deponi posse principes effert: formaliter vero etiam, quatenus et occidi posse superaddit: Prout Anno Domini 1680, observatum fuit a 59 doctoribus Parisiensibus, qui memoratam supra sententiam, dixere, circa sacramentum Anglicanum, a Jacobo I. quondam præscriptum.*—These facts respecting the *Hibernia Dominicana* of doctor Burke, and the opinion of the doctors of the university of Paris, are taken from, “ *A Justification of the Tenets of the Roman-catholic religion, and a refutation of the charges brought against its clergy by the right reverend Lord Bishop of Cloyne.*”—By doctor James Butler, the catholic archbishop of Cashell, 8vo. 1787. On the epithets *material* and *formal*, used by the Parisian doctors, the right reverend prelate observes, that they are school terms; that “ a doctrine is called *materially* “ heretical, when contrary to the word of God, though not yet “ condemned as such;—and that, when condemned by the authority of the church, it is called by the schoolmen *formally* “ heretical.”

“ on one side, respect for the duke’s opinions on
“ another, and the fear of giving him offence, Walsh
“ never ventured, however he might wish, to speak
“ to him on the subject of a true church.

At length, however, when he saw Ormond declining in health, advanced in age, and standing, as he thought, on the verge of the grave, he took courage ; and going into his closet, asked, as a last favour, that, after an intimacy of near forty years, the duke would allow him to state his own reasons for adhering to the ancient church, in spight of all the scandals which prevailed amongst its professors ; he shewed how unreasonable it was to confound abuses with the genuine doctrines of true catholicity ; and then, throwing himself on his knees, he entreated him, in the name of the Redeemer, not to die without the sacraments of reconciliation.—‘ Walsh,’ said the duke, ‘ I see you are in good earnest ; but, if you thought my situation dangerous, so good a friend as you ought to have admonished me sooner ; I cannot now embrace, what I see so much cause to condemn.’ Walsh would have replied ;—but the duke shewing reluctance, he rose, and left the room, much agitated by such a separation, from such a friend.—It was the agitation of an affectionate and an honest mind ; of a man whose hairs were grey from age, and whose features were wrinkled by persecution.—What effect it had on Ormond’s mind, God only knows.—There are precious moments, when the voice of an inscrutable God penetrates to the heart.—The remainder is a secret, which rests

“ deposited in the minds of two men, who, notwithstanding the difference of sphere in which they moved, were tied to each other by a long experienced fidelity, and an attachment, which the severest trials could never dissolve.”

Father Walsh is mentioned with esteem by bishop Burnet and Dodwell; both, however, insinuate, that the father's catholicity hung very loosely upon him: but their insinuations should be received with some distrust, as the experience of every day shews, that, when a catholic disclaims tenets, *erroneously* imputed by protestants, to the members of his communion, as doctrines of their church, the catholic is too easily suspected of not believing all that real catholics believe.

Several pamphlets, one, in particular, entitled “ *The Friar disciplined*,”—by Talbot, afterwards catholic archbishop of Dublin, were published against father Walsh. None of these have come into the hands of the present writer; so that his own opinion of the character of father Walsh, rests altogether on his history of the Remonstrance, and the facts mentioned of him by doctor O'Connor. From these, he suspects, that the father's real crimes were his rejection of the pope's temporal power, and the works, in which he opposed that unfounded and calamitous doctrine.

Father Walsh died in London, in September 1688, and was buried in St. Dunstan's in the West.

A few months before he died, he signed a declaration, of which we shall give a translation, and subjoin to it a copy of the original.—“ I, brother Peter Walsh, a priest of the order of St. Francis, of the

“ stricter observance ;—ascribed to the Irish pro-
 “ vince ;—submit, before God, and the witnesses
 “ called for this purpose, and subject, from my soul,
 “ all and every the books, which I have ever written
 “ or printed, in any language, to the examination
 “ and judgment of the holy roman-catholic church,
 “ and the vicar of Christ on earth, the Roman
 “ pontiff ; and from my soul, I retract, condemn,
 “ repent of and reject, whatever shall be found in
 “ them, erroneous, scandalous, or, in any wise
 “ noxious to the catholic faith, sound doctrine, good
 “ morals, or to any men : Promising, if life and
 “ strength remain, that, all things which, in my said
 “ works, shall appear such as ought to be condemned
 “ or suppressed, I will expressly and from my soul,
 “ even in print, so far as the case requires, retract :
 “ and that I will always submit my own judgment,
 “ to the church, and my superiors ; as I now truly
 “ submit, as an humble and obedient son of the
 “ church and the seraphic order. In testimony of
 “ which, I have subscribed this declaration, with my
 “ own hand. Dated the 13th of the month of March
 “ 1687, old style, and the 23d day of the same
 “ month of March 1688, new style.

“ Peter Walsh.”

“ Brother Jo. Everard, Franciscan, present.

“ Brother Benedict Macarthy, Cistercian, present.

“ Brother Francis Forster, Franciscan, present*.”

* “ Ego, frater Petrus Valesius, sacerdos ordinis S. Francisci,
 “ strictioris observantiæ, provinciæ Hiberniæ adscriptus ; sub-
 “ mitto, coram Deo et testibus ad hoc vocatis, et subjicio, ex
 “ animo, omnes et quoscunque libros, quos unquam scripsi, seu

It should be added, that the authenticity of this retractation rests altogether on the circumstance, that a copy of it, in the hand-writing of a respectable contemporary, but without any attestation, has been discovered.

LXVI. 12.

Confiscation of Irish Property at the Revolution in 1688.

WE now reach the term of this part of our historical inquiries.

The predisposing cause of all the religious troubles in Ireland, was, the natural irritation of the antient Irish families, at the confiscations, made in the reigns of Henry II, Henry VIII, Edward VI, queen Eliza-

“ typis dedi, quocumque idiomate, examini et judicio sanctæ
 “ catholicæ Romanæ ecclesiæ, et Christi, in terris, vicarii,
 “ Romani pontificis; et ex nunc retracto, damno, deleo, et
 “ rejicio quidquid in eis repertum fuerit erroneum, scandalosum,
 “ aut quocumque modo noxium catholicæ fidei, sanæ doctrinæ,
 “ bonis moribus, aut etiam quibuscumque hominibus: Promit-
 “ tens si vita, et vires suppetant, in omnia, quæ in meis dictis
 “ operibus damnanda aut supprimenda visa fuerint, me expresse
 “ et ex animo, etiam libris editis, quatenus opus fuerit, retracta-
 “ turum, et judicium proprium semper ecclesiæ, et superiorum
 “ judicio omnino submissurum, prout nunc reverâ submitto,
 “ tanquam humilis et obediens ecclesiæ et ordinis seraphicæ
 “ filius; in quorum fidem, presenti declarationi, propriâ manu
 “ subscripsi Londini, die 13th mensis Martii, anno 1687, stylo
 “ veteri, seu die 23d ejusdem mensis, anno 1688, stylo novo.

“ Petrus Valesius.”

“ Fr. Jo. Everardus, Franciscanus, præsens.

“ Fr. Benedictus Macarthy, Cisterciensis, præsens.

“ Fr. Franciscus Forster, Franciscanus, præsens.”

beth, and James I. By these, a great proportion of their hereditary possessions was wrested from them, and transferred to adventurers from England. This divided the kingdom into the *Old Irish* and the *New Settlers*,—two parties, strongly distinguished from each other, by language, habits, and manners. The reformation introduced the further division of the kingdom into a catholic and protestant party.

The former included almost all the families of the antient Irish blood, and the far greater part of the new families. As the latter had participated in the general plunder, they were sometimes involved in the general jealousy, with which all the sharers of it were viewed, by the antient proprietors and their descendents: and being of English descent,—most of them, allied to English families; and all of them, holding their titles, under the same confiscations, as the protestants, they were thought to be more favourably received by the protestant party. So far as respected the free exercise of the catholic religion, they agreed with the descendents of the old Irish; but, when any thing like a restoration of property came in question, they were suspected of shewing something of a protestant feeling; and of being too ready to come into terms of accommodation, in which neither the civil nor the religious rights of the general body of the Irish catholics were, in the opinion of its great majority, sufficiently consulted. This contributed mainly to the dissensions, which uniformly distracted the councils of the Irish catholics, and finally brought on the ruin of the confederacy.

The consequences of it, and the injustice shewn to the innocent catholics, by the government of Charles II,

are shortly stated in the passage, which, we last extracted from lord Clare's celebrated speech.—Nevertheless, did any race of men pay more dearly,—than the Irish catholics,—for their dissensions.

But, even at the time, of which we are now speaking, their calamities, were not at their close.—An extract from the same speech, will succinctly exhibit the last scene of the tragedy,—and with it, we shall close this part of historical research. It might, perhaps, be expected from us, that we should give, in this place, some account of the subsequent transactions in the concerns of the Irish catholics;—of the formation of the penal and disabling code;—and of its partial repeal. In sir Henry Parnell's admirable *History of the penal laws against the Irish catholics*, this has been done with the greatest ability; and, as we must suppose, that this work is in the hands of all our readers, we cannot but think it wholly unnecessary for us, to enter upon any of the subjects we have mentioned.—We shall therefore conclude by presenting our readers with the promised extract.

“ After the expulsion of James II,” (says the earl of Clare), “ from the throne of England, the old
 “ inhabitants made a final effort for the recovery of
 “ their antient power, in which they were once more
 “ defeated by an English army, and the slender relics
 “ of Irish possessions became the subject of fresh
 “ confiscation. From the report made by the com-
 “ missioners appointed by the parliament of England
 “ in 1698, it appears, that the Irish subjects outlawed
 “ for the rebellion of 1688 amounted to 3,978; and
 “ that their Irish possessions, as far as could be

“ computed, were of the annual value of 211,623*l.*,
 “ comprising one million sixty thousand seven hun-
 “ dred and ninety-two acres. This fund was sold
 “ under the authority of an English act of parliament,
 “ to defray the expences incurred by England in
 “ reducing the rebels of 1688; and the sale introduced
 “ into Ireland a new set of adventurers*.

“ It is a very curious and important speculation
 “ to look back to the forfeitures of Ireland incurred
 “ in the last century. The superficial contents of
 “ the island are calculated at eleven millions forty-two
 “ thousand six hundred and eighty-two acres. Let
 “ us now examine the state of forfeitures :

“ In the reign of James I. the whole	
“ of the province of Ulster was confiscated,	Acres.
“ containing - - - - -	2,836,837
“ Set out by the court of claims at	
“ the restoration - - - - -	7,800,000
“ Forfeitures of 1688 - - - - -	1,060,792
	<hr/>
TOTAL - - - - -	<u>11,697,629</u>

* These proceedings were the more unjust, as they were an infringement of the treaty of Limerick, under which king William obtained the possession and government of Ireland. “ How it is possible,” says sir Henry Parnell, in his *History of the penal laws*, p. 26, 27, to defend William and his ministers from the charge of having acted with perfidy to the catholics, it is not easy to discover: that they were guilty of violating the treaty, no one can deny. — The many glaring violations of the treaty of Limerick, are a scandal to the boasted good faith of the English nation, and a mockery of that equitable religion, whose precepts are founded upon the purest principles of justice and humanity.”

“ So that the whole of your island has been confiscated, with the exception of the estates of five or six old families of English blood, some of whom had been attainted in the reign of Henry VIII, but recovered their possessions before Tyrone’s rebellion, and had the good fortune to escape the pillage of the English republic inflicted by Cromwell ; and no inconsiderable portion of the island has been confiscated twice, or perhaps thrice, in the course of a century. The situation therefore of the Irish nation at the revolution stands unparalleled in the history of the inhabited world.”

XLVI. 13.

The Irish Brigade.

A LARGE proportion of the sufferers under the confiscation in 1688, emigrated to France and Spain, and composed, what is termed, THE IRISH BRIGADE,—a military corps, renowned in every part of Europe for their sufferings, their valour, and their honour. To them, the roughest and most perilous services of the armies, in which they served, were too often appropriated. They constantly acquitted themselves of them without a murmur and without a fault, and verified, by their conduct, the truth of the expression, *Un gentilhomme est toujours gentilhomme*. Many gentlemen of the most antient families in Ireland,—and sometimes, even Irish noblemen,—served in the ranks. Surveying their prodigies of valour at the battle of Dettingen, George I. is said to have uttered a gene-

rous curse on the laws of England, which prevented his availing himself of it. A full history of the brigade would be a valuable acquisition to literature. A succinct account of it is given by the Abbé Mac-Geoghegan * ; and by Major James, in the Appendix to his excellent *Military Dictionary*, tit. “ *Irish Brigade.*”

In the opinion, too, of all who justly appreciate mental worth and dignity, the uniform attachment of the Irish catholics to their religion, offers a sublime spectacle. Notwithstanding the severity of the laws of Henry VIII, Edward VI, Elizabeth, and James I, not sixty Irish catholics had, in the reign of the last of these sovereigns, embraced the protestant religion.—Notwithstanding the subsequent severities, the Irish catholics now form four-fifths of the whole population of Ireland. “ Whatever,” says doctor Johnson, “ with-
“ draws us from the power of our senses ; whatever
“ makes the past, the distant, or the future, predomi-
“ nate over the present, advances us in the scale of
“ rational beings.” In whom has the past, the distant, or the future,—or, in other words,—the eternal,—predominated more over the present, than in these men, who, in the midst of all that wounds, and all that terrifies human nature, have thus uniformly adhered to religious principle ?

* *Histoire de l'Irlande*, vol. ii. p. 748.

CHAP. XLVII.

HISTORICAL MINUTES RESPECTING THE SCOTTISH
CATHOLICS SINCE THE REFORMATION.

IT was also the wish of the writer of these pages, to present his readers, with a short historical account of the Scottish catholics since the reformation ; but his endeavours to procure materials for it have absolutely failed*. Greatly it is to be wished that some

* The antient glories of this illustrious kingdom, Buchanan, in the Epithalamium addressed by him to Francis II. and the unfortunate Mary Stuart, on their marriage, has celebrated in verses, of uncommon splendor and energy.

*Illa pharetratis est propria gloria SCOTIS,
Cingere venatu saltus, superare natando
Flumina, ferre famem, contemnere frigora et æstus,
Nec fossâ et muros, patriam, sed Marte tueri ;
ET SPRETA INCOLUMEM VITA DEFENDERE FAMAM :
Polliciti servare fidem, sanctumque vereri
Numen amicitiae ; mores, non munus amare.*

*Artibus his, totum fremerent cum bella per orbem,
Nullaque non tellus leges mutaret avitas
Externo subacta jure,—gens una vetustis
Sedibus antiquis sub libertate resedit.
Substitit hic Gothi furor, hic gravis impetus hæsit
Saxonis, hic Cimber, superato Saxone, et acri
Perdomito et Neuster Cimbri.—Si volvere priscos
Non piget annales, hic et victoria fixit
Præcipitem Romana gradum.—Quem non gravis Auster
Reppulit, incultis non squallens Parthia campis,
Non æstu Merœe, non frigore Rhenus et Albis
Tardavit,—Latium remorata est SCOTIA currum.*

gentleman, possessed of necessary talents and leisure, would give his attention to such a work. It can only be accomplished by an examination of the different repositories of the ecclesiastical establishments of Scottish catholics in foreign countries. Such a work, produced by an able writer, having competent materials, would bring to light a mass of information at once new and instructive.—That the present work may not be altogether destitute of an article,—(we are fully sensible how meagre it will be),—on a topic, so nearly connected with the immediate subject of these historical memoirs, we shall present our readers, I. With the summary account given by doctor Mac-laine, the translator of Mosheim's Ecclesiastical History*, of the introduction of Calvinism into Scotland, and the subsequent variations of the religious discipline of the church of that kingdom :—II. With some minutes, respecting the condition of the Scottish catholics since the reformation ;—chiefly compiled from the *Memoires pour servir à l'histoire ecclesiastique pendant le xviii Siècle* :—III. With some account of the riots in Scotland in 1780 :—IV. And some account of the act passed for the relief of the Scottish catholics in 1793,—and some observations on the oath contained in that act.

* Vol. iv. p. 381, note k.

XLVII. 1.

Doctor Maclaine's Account of the Introduction of Calvinism into Scotland;—and the subsequent Variations of the religious Discipline of the Church of that Country.

“ THE indignation of the people, which had been
“ excited by the vices of the clergy, was soon trans-
“ ferred to their persons, and settled at last, by a
“ transition not unusual, upon the offices they enjoyed;
“ and thus, the effects of the reformation extended
“ not only to the doctrine, but also to the government
“ of the popish church. But in Germany, England,
“ and the northern kingdoms, its operations were
“ checked by the power and policy of their princes,
“ and the episcopal hierarchy, (which appears to be
“ the most conformable to the practice of the church,
“ since Christianity became the established religion
“ of the Roman empire), was still continued, in these
“ countries, under certain limitations. The ecclesi-
“ astical government was copied after the civil; and
“ the dioceses and jurisdiction of patriarchs, arch-
“ bishops, and bishops, corresponded with the division
“ and constitution of the empire. In Switzerland and
“ the low countries, the nature and spirit of a repub-
“ lican policy gave fuller scope to the reformers;
“ and thus, all pre-eminence of order in the church
“ was destroyed, and that form of ecclesiastical govern-
“ ment established, which has been since called Pres-
“ byterian. The situation of the primitive church,
“ (oppressed by continual persecutions, and obliged

“ by their sufferings to be contented with a form of
“ government extremely simple, and with a parity of
“ rank for want of ambition to propose, or power to
“ support, a subordination), suggested, without doubt,
“ the idea of this latter system; though it would
“ be unfair to allege this consideration, as a victorious
“ argument in favour of presbyterianism; because
“ a change of circumstances will sometimes justify a
“ change in the methods and plans of government.
“ Be that as it may, the church of Geneva, which
“ received the decisions of Calvin with an amazing
“ docility, restored *this presbyterian, or republican*
“ *form of ecclesiastical policy*; Knox studied, ad-
“ mired, and recommended it to his countrymen, and
“ he was seconded by many of the Scottish nobles, of
“ whom some hated the persons, while others coveted
“ the wealth, of the dignified clergy. But, in intro-
“ ducing this system, the Scottish reformer did not
“ deem it expedient to depart altogether from the
“ antient form; but, instead of bishops, proposed the
“ establishment of ten superintendants, to inspect the
“ life and doctrine of the other clergy, to preside in
“ the inferior judicatories of the church, without pre-
“ tending to claim either a seat in parliament, or the
“ revenues and dignity of the former bishops. This
“ proposal was drawn up and presented to a conven-
“ tion of estates, which was held in the year 1561;
“ and what it contained, in relation to ecclesiastical
“ jurisdiction and discipline, would have easily ob-
“ tained the sanction of that assembly, had not a
“ design to recover the patrimony of the church, in
“ order to apply it to the advancement of religion and

“ learning, been insinuated in it. After this, at
 “ certain periods, the name of bishops was revived,
 “ but without the prerogatives, jurisdiction, or re-
 “ venues, that were formerly appropriated to that
 “ order. They were made subject to the general
 “ assemblies of the clergy, and their power was dimi-
 “ nished from day to day, until their name, as well
 “ as their order, was abolished, at the revolution in
 “ 1688, and presbyterianism established in Scotland
 “ by the laws of the state. See Robertson’s History
 “ of Scotland, *passim*.”

XLVII. 2.

The Condition of the Scottish Catholics subsequent to the Reformation.

“ A CONSIDERABLE number of catholics,” says the author of the memoirs we have mentioned, (*Introduction*, clxxxviii.), “ continued to adhere to the
 “ old religion, and the number of these would have
 “ been greater, but for the want of priests, and of
 “ catholic schools*. These two circumstances con-

* Some curious particulars respecting the situation of the Scottish catholics, during the early period of the reformation, are mentioned by father Juvençi, *Hist. Soc. Jesu.* l. xiii. § 98. p. 197.

Mr. Boswell, of Auchinleck, printed, in 1812, for private circulation among his friends, two very interesting tracts, which had become extremely scarce;—one, “ Ane Oratioun set furthe
 “ be Maister Quintin Kennedy, Commendatour of Corsraguell,
 “ ye Zeir of Gode, 1561;”—and the other, “ A Coppie of the

“tributed greatly to the success of the reformers in
 “the sixteenth century. The holy see, from time to
 “time, sent Irish Franciscan friars to Scotland. But
 “the greater part were driven from it by the incle-
 “mency of the climate, particularly in the northern
 “parts of the island, where the cold makes life a
 “burthen, so that they remained a short time only,
 “in the mission. Mr. White, a pious and zealous
 “missionary, was more constant. Aided by the
 “charity of lord Macdonald, he caused the faith to
 “revive in the mountains of Scotland, and restored to
 “it, almost without difficulty, some families, which
 “the misfortune of the times had alienated from reli-
 “gion. The end of the usurpation and the first part
 “of the reign of Charles II, formed the period of
 “his truly apostolical labours. About this period, some
 “attempts were made to establish schools for the
 “education of persons designed for the catholic priest-
 “hood, and to preserve, at the same time, the children
 “of catholic parents from the seduction of protestant
 “schools. But it was with difficulty, that these
 “establishments were kept on foot, amidst the trou-
 “bles in which the catholics were involved.

“The revolution of 1688 was attended with con-
 “sequences as unfavourable to this country, as to

“Reasoning which was betuix the Abbot of Crosraguel and John
 “Knox, in Mayhoil, &c. 1563.”—To the former, he has prefixed
 an Advertisement, expressed with great liberality. “Had not
 “headlong zealots,” says Mr. Boswell, “identified religion with
 “architecture,—gothic arches and fretted aisles with the Mass
 “and idolatry,—than had nocht the antiquities and monumentis
 “of this realme, been schaimfully destroyet.”

“ England ; and the attachment of a great number of
“ Scots to the Stuarts, their antient sovereigns, was
“ used as a pretence for long vexations. The Scot-
“ tish protestants shewed themselves jacobites as much
“ as the Scottish catholics ; and the former, equally
“ with the latter, shewed a disposition to avail them-
“ selves of every occasion, which presented itself, of
“ maintaining their lawful sovereign. Both were
“ carefully repressed. The English government ceased
“ to protect the episcopalians, and the presbyterians
“ obtained the ascendancy in Scotland. These exhibited
“ no greater toleration towards the catholics than had
“ been done by the presbyterians. Political prejudices
“ mingled themselves with religious prejudices ; and
“ the catholics were persecuted both as partizans of
“ the Stuarts, and as adherents to the proscribed
“ religion. Several priests were kept in prison during
“ many years ; at the end of which, they were banished.
“ Troops of soldiers went into the highlands, and
“ ravaged the lands of the catholics ; a captain of the
“ name of Porringer rendered himself famous in the
“ west, by his devastations and cruelties. About the
“ same time, the parliament of Scotland ordered,
“ that children, not becoming protestants, should not
“ succeed to the estates of their parents ; a measure
“ well calculated to raise unlawful desires of property,
“ and to smother attachment to the antient religion.

“ Still, the true faith sustained itself in the midst
“ of these efforts to repress it. George Panton,
“ educated in the college of Paris, established, in
“ the mountains, a catholic school, and an applica-
“ tion for a prelate was made to the holy see. The

“ pope granted the request; and, in 1694 *, Thomas
“ Nicholson, titular bishop of Peristachium, was sent,
“ as vicar-apostolic, into Scotland, and reached it in
“ secrecy. He found twenty-five missionaries, and,
“ by degrees, increased their number. In the very
“ year of his arrival, he visited the parts of the high-
“ lands, in which the catholics were most numerous.
“ In each of the four years following, he visited other
“ parts of his vicariat. His activity and zeal pro-
“ duced much fruit in a country, which, during
“ almost one hundred years, had not seen a bishop.
“ He drew up certain regulations, which were agreed
“ to at a meeting of the Scottish missionaries, and
“ were afterwards confirmed at Rome. We have
“ under our eyes, a relation of the visitation, which
“ he made in 1700, in the highlands and the western
“ isles. In a journey of more than four hundred
“ miles in mountains, both rough and dangerous, he
“ confirmed a great number of persons, informed
“ himself of the wants of the people, removed abuses,
“ announced to the poor catholics the word of God,
“ and exhorted them to constancy in their faith.
“ From his relation, it appears that the number of
“ catholics in these parts, was, at this time, consi-
“ derable. Many islands were peopled entirely with
“ catholics, and, at one place, the apostolic vicar
“ confirmed more than seven hundred persons. He
“ found these good mountaineers, regular in the

* The late bishop Hay, in a manuscript communication, published in the *Catholic Gentleman's Magazine* for December 1818, says, “ that Mr. Nicholson was sent into Scotland, in 1695.”

“ observance of moral duty, respectful towards the
 “ clergy, and punctual observers of the laws of the
 “ church. Some catholics in these mountains had,
 “ not many years before, been put to death by the
 “ cruel Porringer, for refusing to renounce their re-
 “ ligion. Mr. Nicholson encouraged the priests, and
 “ nominated two sub-vicars, Mr. Munro and Mr.
 “ Morgan, antient missionaries, whose experience
 “ and services rendered them worthy of this confi-
 “ dence. He empowered them to make visitations
 “ of his diocese, desiring them to inform him of the
 “ condition of things. He himself visited the school
 “ of Arasaick, upon which he built his hopes, and
 “ which served as a kind of preparatory school for the
 “ children intended to be sent to the Scottish school
 “ at Paris.—This school was the principal resource
 “ for the education of priests designed for the Scot-
 “ tish mission. Besides this college, there was one
 “ at Rome, one at Ratisbon; and the Scottish
 “ Benedictines had three catholic establishments in
 “ Germany.”

In a subsequent part of this work, (vol. ii. p. 199),—
 the same author informs us, that in 1726*, Scotland
 was divided into two apostolical vicariats; one, for the
 high, the other, for the low-lands.

He proceeds to state, that “ the unsuccessful at-
 “ tempts of the Stuarts in 1715 and 1745, occasioned
 “ an increase of severity, towards the catholics. Their
 “ churches,” he says, “ and a seminary, which they
 “ had at Scalan, were destroyed; and great attempts
 “ made to apprehend the ecclesiastics; they hid

* Bishop Hay places this event in 1731.

“ themselves, but several were found. Mr. Colin
“ Campbell died in consequence of the bad treatment
“ which he received : the fathers Gordon and Ca-
“ meron, of the society of Jesus, were imprisoned.
“ Eight others, after lying long in prison, were sent into
“ perpetual banishment ; soldiers were employed in
“ discovering the priests, and those who discovered
“ them, were amply rewarded. In the midst of the
“ general consternation, which all this occasioned,
“ Mr. Hugh Macdonald, bishop of Dia, and vicar-
“ apostolic in the highlands, retired to France : he
“ had been particularly designated to the soldiers.
“ He remained many years in exile ; Mr. James
“ Gordon, the vicar-apostolic of the low-lands, died
“ during these troubles. Mr. Alexander Smith,
“ bishop of Misinopolis, his coadjutor and successor,
“ kept himself in obscurity at Edinburgh. He had
“ been often denounced to the magistrates, and
“ searches made to discover him. These proceedings
“ were continued, long after every pretence for them
“ was at an end. The memoirs, which we have
“ before us, are full of relations of the severities ex-
“ ercised towards the catholics in general, and the
“ clergy in particular. In 1751, two priests, Mr.
“ Grant and Mr. Gordon, were taken up, and the
“ latter banished. Mr. Robert Maitland was tried
“ and found guilty. Rewards were given for disco-
“ vering a priest. The bishop of Dia, who had
“ returned to his vicariat, was pursued and sought
“ refuge in Edinburgh. There, he was apprehended,
“ and sentenced to imprisonment.

“ Such, at this time, were the troubles of the

“ Scottish mission. The catholics interceded, in vain,
“ for a cessation of these molestations. They em-
“ ployed the English vicars apostolic, and even the
“ ambassadors of the foreign powers, residing in
“ London, to second their applications for relief.
“ The rigour, with which they were treated, was
“ the more surprising, as a system of conduct, totally
“ different, was, at this time, adopted in regard to
“ the English catholics.”

“ The American war,” says the same author,
(vol. ii. p. 632), “ gave his majesty’s government an
“ opportunity of manifesting sentiments of a wiser
“ policy. In a moment of alarm, from the revolt of
“ the American colonies, one of his majesty’s judges
“ in Scotland, (the late sir John Dalrymple), applied
“ to Mr. George Hay, bishop of Dawlis, and vicar-
“ apostolic in Scotland, for information respecting
“ the general sentiments of persons of his communion
“ on that subject; and on the reliance, which might
“ be placed on their co-operation, with the views of
“ the English government. Mr. Hay expressed, in
“ the strongest terms, his attachment to the existing
“ constitution. The assurances of the respectable
“ prelate, were confirmed by the readiness with which
“ the catholics enrolled themselves in the levies,
“ then raising for the American service. A letter
“ of Mr. Hay to this effect was communicated to
“ government.—At the same time, father Arthur
“ O’Leary published in Ireland an address, in which
“ he exhorted the catholics of Ireland to remain
“ faithful to the existing government.”

XLVII. 3.

Riots in Edinburgh and Glasgow, in the year 1780.

IN a former part of this work*, mention has been made of the act, which was passed in the year 1778, for the relief of the English catholics; and of the riots, which followed in 1780. The act did not extend to Scotland.—“ But,” says the Annual Register for the year 1780, (*History of Europe*, page 26),—“ some gentlemen of consideration and
“ authority in the northern part of the united
“ kingdom, expressed their warm wishes in parliament, that its benefits were extended to those
“ of that communion in their own country; and as
“ the season was then too far advanced, declared
“ their intention of bringing in a bill for that purpose
“ in the ensuing session. Similar sentiments seemed
“ to prevail during the recess, with some others;
“ and, as that spirit of intolerance, which had once
“ so peculiarly distinguished Scotland from other
“ reformed countries, was supposed to have been in
“ a great measure worn away, along with the darkness of the times, from which such a disposition
“ generally derives its force; it was scarcely imagined
“ that the intended measure of relief would have
“ produced any considerable degree of opposition, or
“ even of murmur.

“ The general assembly of the church of Scotland
“ happened to be sitting at the very time that the
“ English act was in agitation; and that body re-

* Vol. ii. page 86.

“ jected, by a majority of above an hundred voices,
“ a motion then made, for a remonstrance to parlia-
“ ment against the passing of the bill. This instance
“ of moderation in the national church could not
“ but afford great encouragement to the catholics in
“ Scotland to hope, that they should be permitted to
“ partake of the indulgence which had been granted
“ to their brethren in England, and in Ireland.
“ They accordingly prepared a petition to parliament,
“ and employed counsel to frame the outlines of a
“ bill for that purpose.

“ While matters were in this train, an inflamma-
“ tory pamphlet, against the doctrines and members
“ of popery, representing the latter as inimical to all
“ states, and as the common enemies of mankind,
“ was written by a nonjuring clergyman, printed at
“ the expence of the society for propagating Chris-
“ tian knowledge, and circulated with great industry
“ through every order of the people. The effects of
“ this publication soon began to appear in some of the
“ provincial synods, where the matter being taken
“ up and agitated with much heat, angry resolutions
“ were passed against the unfortunate people, who
“ were the objects of their jealousy ; and these reso-
“ lutions, including a full determination of opposing
“ every measure of relief which was or might be in-
“ tended for them, being published in the news-
“ papers, could not fail to excite some ferment. The
“ conduct of the synod of Lothian and Tweeddale,
“ upon which the eyes of the people were particularly
“ turned, seemed, however, calculated to restrain
“ that fury of zeal, which was now generating, from

“ spreading to any great extent. Notwithstanding
“ the efforts of a violent party among themselves, the
“ humane resolution issued by that assembly, went
“ totally to disclaim their having any hand in oppos-
“ ing the mild intentions of government, for giving
“ relief to their fellow subjects.

“ Whatever good effects might have been ex-
“ pected from this temperate conduct, they were
“ entirely defeated or prevented, by the activity and
“ boldness of a few obscure zealots in Edinburgh ;
“ who, under the guise of some established political
“ body of the state, undertook the protection and
“ defence of the national church in the place of their
“ clergy, whom they charged with a scandalous and
“ impious desertion of the cause of God and religion.
“ This self-created body, artfully concealing their
“ insignificance, by studiously keeping their names,
“ occupations, and number, in total darkness, equally
“ availed themselves of the opportunity which their
“ situation in the capital afforded, of assuming an
“ extraordinary degree of importance ; and under
“ the specious and pompous title of “ *the committee*
“ *for the protestant interest,*” easily passed upon
“ the public, not only for men of rank, consequence,
“ and authority, but as the acting delegates of a still
“ greater body.

“ Under this delusive appearance, to which the
“ prejudices or fears of the people afforded all the
“ sanction they could wish, they soon became so
“ popular, that committees for corresponding with
“ them were established in several parts of that
“ country, and particularly in the western shires ;

“ and the public confidence and opinion increasing,
“ in proportion to the magnitude of the dangers
“ which they described, and were supposed to have
“ discovered, they were considered as the fittest and
“ most effective agents, for applying the contributions
“ of the well-disposed to the immediate defence of
“ religion. Thus a few unknown men seemed to be
“ entrusted with the care of the purses, as well as of
“ the consciences of the people ; and by this means
“ they were enabled to publish and distribute inflam-
“ matory pamphlets gratis, and without number ;
“ while the news-papers and streets were crowded
“ with letters, paragraphs, and hand-bills, teeming
“ with sedition, invective, and abuse ; all tending
“ evidently to excite a people, naturally warm and
“ irritable, to acts of outrage. The effect answered
“ their most sanguine expectations ; and they soon
“ beheld the flame which they had so successfully,—
“ (they said unintentionally),—blown up, not only
“ spread through every part of Scotland, but extended
“ into the southern part of the united kingdom ; until,
“ at length, it literally blazed forth in its utmost
“ violence, and attended with all its horrors, in the
“ metropolis of the empire.

“ As people are always curious to know something
“ of those instruments, that are the means of pro-
“ ducing extraordinary or unexpected effects, it may
“ be expected that we should take some notice of the
“ committee in question. From the only account of it
“ which we have seen, and which is said to have been
“ obtained with no small difficulty, it appears, that in
“ point of number, it amounted only to thirteen persons ;

“ that the three first or principal of these, so far as
“ may be judged from apparent rank or condition,
“ were, a merchant, a goldsmith, and a teacher of the
“ poor in an hospital; that the remainder were either
“ men exercising mean trades, or else writing-clerks,
“ some serving in counting-houses, and others in
“ public offices; excepting only the thirteenth, who
“ being yet an apprentice, filled, notwithstanding,
“ the important office of secretary to the committee.
“ Such were the redoubted champions, who undertook
“ the protection and defence of an established national
“ religion; already guaranteed and fortified, not only
“ by its invincible truth and holiness, but by laws,
“ habits, length of possession, public opinion, and the
“ united force of a whole empire.

“ The wretched people who were thus marked out
“ as the objects of public execration and vengeance,
“ apprehending the most fatal consequences from the
“ dangerous spirit now raised, thought it prudent and
“ necessary, early in the year 1779, to acquaint lord
“ North, through some of the northern members of
“ parliament, that, chusing rather to sacrifice their
“ own future ease and advantage, than to endanger
“ the immediate peace of their country, they would
“ accordingly refrain from any application to the
“ legislature, for the expected, and so much wished-
“ for indulgence. And hoping to assuage the fury
“ and rage of the multitude, the letter written upon
“ the subject by these gentlemen to the minister,
“ including that resolution, and act of forbearance on
“ their side, which totally removed every new object

“ of jealousy and discontent, was published in the
“ news-papers.

“ No concession could, however, allay the fury of
“ that outrageous zeal which was now let loose. For
“ some time the roman-catholics had been subjected,
“ in open day-light, and in the public streets, to con-
“ tumelious treatment and shocking threats, from the
“ enraged rabble. Magistracy probably did not ima-
“ gine to what lengths they might proceed. As the
“ destined time of vengeance drew near, several days
“ previous notice was publicly given, by an infinite
“ number of incendiary letters and hand-bills, which
“ were dispersed through every part of Edinburgh,
“ not only specifying time, place, and object, but
“ calling upon, or summoning, the assistance of the
“ people in the enterprise.

“ This public announcement of a dangerous de-
“ sign, did not produce a greater alarm, or any
“ measure of prevention ; and was followed by several
“ light attacks with stones, and other missile weapons,
“ which seemed only calculated to feel the courage,
“ and to excite the rage of the populace, and which
“ went no farther than the breaking of windows, or
“ other similar mischiefs ; which were all passed over
“ in the same manner.

“ On the appointed day, the first and great object
“ of attack, was a new house, in which the principal
“ roman-catholic clergyman, or bishop, along with
“ several other families of that persuasion, dwelt ;
“ one room or floor of which had been designed and
“ prepared for a place of worship, or private chapel,
“ as being more commodious than another of the

“ same nature, and situated likewise in a private
“ dwelling-house, which they had for many years
“ occupied, in another part of the town. Although it
“ appears that this room had been destined for the
“ use, to which it was not then applied, a year before
“ any thing was agitated in parliament for the relief
“ of the roman-catholics, yet the zealots of that party,
“ in order to inflame the people, represented this
“ building as the immediate consequence of that in-
“ dulgence ; and held it out as a new and signal
“ instance of the intolerable pride and daring spirit
“ of popery, which, on the first gleam of hope, or
“ favour, had thus at once burst through all the
“ boundaries of decency and discretion, and ventured
“ equally to insult the nation and the protestant reli-
“ gion, by erecting in the metropolis, and in the face
“ of both, this pompous place of worship and osten-
“ tation display of its triumph, in which it was pub-
“ licly to exhibit all its superstitions and pageantries.

“ The people were accordingly particularly called
“ upon, in those incendiary letters, which we have
“ noticed, to meet at Leith Wynd, in order ‘to pull
“ down that pillar of popery lately erected there.’ It
“ is to be observed, that the house, which carried no
“ appearance without side of its containing any place
“ of worship whatever, was inhabited by four families,
“ besides that of the clergyman’s; and that the room,
“ laid out for a chapel, is represented as being only
“ thirty-four feet in length. This house was violently
“ assaulted, and set on fire, and the flames continued
“ until the noon of the following day. The inhabitants
“ with difficulty escaped with their lives.

“ During the demolition of this main ‘ pillar of
 “ popery,’ a detachment from the main body were
 “ dispatched to the old chapel, in a place called Black
 “ Friars Wynd. The house which had the ill fortune
 “ of containing that place of worship, was inhabited
 “ by several families of trades-people, whose property
 “ and effects, as well as the inside of the house and
 “ chapel, were totally destroyed. Here a consider-
 “ able library belonging to the roman-catholic bishop *

* The right reverend George Hay, who has been mentioned in a preceding page.—This learned and pious prelate was a convert to the catholic religion; he studied at Rome; and, after many years of missionary labour in Scotland, was appointed coadjutor to Mr. Grant, the vicar apostolic of the low-land district, and afterwards succeeded him in that dignity. He dedicated the whole of his time to his episcopal functions, and to works of charity; he was revered and beloved by his flock, respected by the learned, and esteemed by all who knew him.

He was the author of many valuable works. One of the most important is, “ *An answer to Mr. Wm. Abernethy Drummond’s letter to George Hay; in which the conduct of government, in mitigating the penal laws against papists, is justified: the seditious tendency of Wm. Abernethy Drummond’s letter is discovered: the roman-catholics fully vindicated from the slanderous accusation of thinking it lawful to break faith with heretics; which Wm. Abernethy Drummond attempts to fix upon them; and Wm. Abernethy Drummond’s letter proved to be a gross imposition on the public, composed of misrepresentations and false reasoning, from the beginning to the end.*” 1773, 8vo. The charge of holding it to be lawful to break faith with heretics, is certainly one of the heaviest accusations brought by protestants against catholics. It is examined, at great length and with great ability, by doctor Hay in this publication; every form which the accusation can assume is exhibited and discussed, and every answer to it, which the case affords, is ably, perspicuously, and in the writer’s opinion, triumphantly urged. Three other works of the learned prelate, *The*

“ was also destroyed or carried away. The rioters
 “ afterwards directed their violence against the catho-
 “ lies in other parts of the town ; and totally destroyed
 “ the stock in trade and effects of two or three trades-
 “ men of that profession ; few houses being inhabited
 “ by them, as their number was very inconsiderable,
 “ consisting chiefly of poor highlanders, the lowest
 “ and most indigent of the people. One or two
 “ ladies of fashion of that communion were threatened
 “ and insulted, and obliged to take refuge in the
 “ castle.

“ It is disagreeable to enter into the detail of these
 “ savage disorders, which continued, with little or no
 “ effectual resistance from magistracy, for some days.
 “ Some of their attempts, as they were more wicked,
 “ appeared more suitable to their courage, than the
 “ hunting, out of their obscure retreats, a handful of
 “ miserable people. They now extended their views
 “ to the punishment or destruction of those gentle-
 “ men, of whatever rank, or religion, who had been
 “ supposed to favour, or in any degree to afford their
 “ countenance, to the late design of obtaining a relaxa-
 “ tion of the popery laws. The failure of success

Sincere Christian, and *The Devout Christian*, each of them in two volumes ; and *The Pious Christian*, an abridgment of them in one volume, have been generally read, and are deservedly esteemed. His *Treatise on Miracles*, in two volumes, has been translated into French, and published, with additions, by M. Hémey. In 1782, bishop Hay travelled to Rome, and was honourably received by the pope. At an advanced age he retired to Acqhertie, in which he had established a seminary. He was succeeded by doctor Cameron, the actual vicar apostolic of the low-lands,—truly respectable and universally respected.

“ which attended their efforts, on this enlargement
“ of design and object, served, however, greatly to
“ damp the spirit of future enterprise. Their first
“ fury was directed to the house of professor Robert-
“ son, the celebrated historian, and to that of Mr.
“ Crosbie, an eminent advocate ; who standing high,
“ if not at the head of his profession, was still more
“ distinguished by the excellency of his character and
“ disposition. The enlightened views and liberal sen-
“ timents of the first of these gentlemen, which
“ rendered him an enemy to all persecution, rendered
“ him an object of it to the deluded populace ; and
“ the second had submitted to the crime of being
“ professionally employed as counsel by that people,
“ and of having accordingly drawn up the bill, which
“ their representatives had intended to present to par-
“ liament. The mob found the houses of these
“ gentlemen so well armed, and guarded with so
“ determined a resolution by their numerous friends,
“ that they refrained from proceeding to extremities ;
“ and retired without any further outrage than the
“ breaking of some windows.

“ These attempts seemed to alarm the magistracy ;
“ as it did not seem now easy to determine, to what
“ farther lengths the malice of zeal might be carried,
“ nor to what extent the objects of its revenge might
“ be multiplied. They accordingly ordered some
“ troops of dragoons into the town, who, with detach-
“ ments from the duke of Buccleugh’s regiment of
“ fencibles, formed chains across the streets and passes.
“ But the same weakness or inertness on the side of
“ the civil government still continued ; and the sol-

“ diers, standing with arms in their hands, on this
“ odious and painful duty, were most shamefully pelted
“ with stones, and grievously wounded by the mob.

“ At length, on the last day of the week, a pro-
“ clamation of a singular nature was published by the
“ magistracy. In that piece, the lord provost assures
“ the people that no repeal of the penal statutes
“ against papists should take place. The past riots
“ are attributed to the apprehensions, fears, and dis-
“ tressed minds of well-meaning people. But they
“ are informed that, ‘ after this public assurance,
“ the magistrates will take the most vigorous measures
“ for repressing any tumultuous or riotous meetings
“ of the populace, which may hereafter arise ; being
“ satisfied that any future disorders will proceed only
“ from the wicked views of bad and designing men.’
“ A clause which seems to imply the strange conces-
“ sion, that the magistrates had not hitherto done
“ their duty in suppressing the riots ; and the no
“ less extraordinary proposition, that the past dis-
“ orders proceeded from good and well-disposed
“ people.

“ The example of Edinburgh was in some degree
“ copied in Glasgow ; but the conduct of the magis-
“ trates in that great trading city was widely different.
“ The objects of persecution being few in the latter,
“ and being almost wholly, as for the greater part
“ they were in the former, composed of poor and
“ laborious people, who were even destitute of a cler-
“ gyman of their own profession, the fury of the
“ populace was first and principally directed to a Mr.
“ Bagnal, an English roman-catholic ; who, being a

“ native of Staffordshire, had introduced the art
“ peculiar to his own country into Glasgow, where
“ he had established, and for several years conducted
“ a considerable manufactory of stone ware. The
“ mob burned his houses ; totally destroyed his ma-
“ nufactory and stock in trade ; and obliged himself
“ and his family to fly for their lives into the fields.
“ But the laudable measures pursued by the magis-
“ trates and principal inhabitants, for restoring the
“ public peace and tranquillity, were so efficacious,
“ that the mischief went no farther, and order and
“ security were soon restored. Being also, at the
“ same time, equally ashamed and concerned, that
“ the character and government of so extensively
“ commercial a city should suffer under the impu-
“ tation and disgrace of such an act of outrage and
“ persecution, they seemed willing, so far as it could
“ be done, to obliterate every trace of it from the
“ memory. Bagnal was accordingly speedily ac-
“ quainted, that he should be reimbursed for every
“ part of his losses to the uttermost farthing ; and
“ several of the principal inhabitants, including re-
“ spectable names among the clergy, acquired no small
“ honour, by the attention and tenderness which the
“ wife and family of the sufferer experienced from
“ them, during the immediate pressure of their terror
“ and distress.

“ These matters were of course agitated more
“ than once in parliament during that session ; and
“ a patriotic member of the house of commons was
“ upon the point of bringing in a bill for affording
“ compensation and relief to the sufferers, until the

“minister gave an assurance, that the matter would
“be privately settled to their satisfaction.”

XLVII. 4.

*The Act passed in the year 1793, for the relief of the
Scottish Catholics.*

AN act passed by the parliament of Scotland, in the 8th and 9th years of king William, imposed many penalties and disabilities on the catholics of that kingdom, who should not take and subscribe the oath and declaration which it prescribed. The oath and declaration soon became generally known in Scotland by the appellation of *The Formula*. It is expressed in the following terms :

“ I, do sincerely, from my heart,
“ profess and declare, before God, who searcheth the
“ heart, that I do deny, disown, and abhor, these
“ tenets and doctrines of the papal Romish church,—
“ viz.—The supremacy of the pope and bishop of
“ Rome, over all pastors of the catholic church ; his
“ power and authority over kings, princes, and states,
“ and the infallibility that he pretends to, either with-
“ out or with a general council ; his power of dispens-
“ ing and pardoning ; the doctrine of transubstantia-
“ tion, and the corporal presence with the communion,
“ without the cup, in the sacrament of the Lord’s
“ supper ; the adoration and sacrifice professed and
“ practised by the popish church in the mass ; the in-
“ vocation of angels and saints ; the worshipping of
“ images, crosses and relics ; the doctrine of superero-

“ gation, indulgences, and purgatory ; and the service
“ and worship in an unknown tongue : all which
“ tenets and doctrines of the said church, I believe
“ to be contrary to and inconsistent with the written
“ word of God ; and I do, from my heart, deny,
“ disown, and disclaim the said doctrines and tenets
“ of the church of Rome, as in the presence of God,
“ without equivocation or mental reservation, but
“ according to the known and plain meaning of the
“ words, as to me offered and proposed. So help
“ me God.”

It has been mentioned in a former part of this work, that the act passed, in 1778, for the relief of the English catholics, did not extend to the catholics in Scotland ; neither did the repealing act of 1791 extend to them. But, on Monday the 22d of April 1793, the lord advocate of Scotland stated, in the house of commons, that, “ his majesty’s catholic subjects in Scotland were then incapacitated by law, “ either from holding or transmitting landed property, “ and were liable to other very severe restrictions, “ which could not then be justified by any necessity “ or expediency.” He therefore moved, “ That “ leave should be given to bring in a bill to relieve “ persons professing the roman-catholic religion from “ certain penalties and disabilities imposed on them “ by acts of parliament in Scotland, and particularly “ by an act of the 8th of king William.”

On the following day, the lord advocate proceeded to observe, that the “ roman-catholics of Scotland “ laboured under many hardships and disabilities on “ account of their adherence to their religion. By

“ one law, an oath, called a formula, or solemn declaration, was imposed upon them, which they could not take, without renouncing the religion which they professed ; and that if they refused to take it, their nearest protestant relation might deprive them of their estates.” His lordship stated, that, “ it was repugnant to justice and humanity, that a subject should be deprived of his estate, for no other reason than that he professed the religion most agreeable to his judgment and his conscience ; or that he should be placed in the wretched situation of holding his estates at the mercy of any protestant relation, who might be profligate enough to strip him of it, by enforcing this penal law. The liberality, which had induced the house the last year, and, on a former occasion, to grant relief to the roman-catholics of England, would, he was persuaded, induce them to extend relief also to the roman-catholics of Scotland, whose loyalty and conduct gave them an equal claim to the indulgence of the legislature. He admitted that the particular law, to which he referred, was too odious to be often carried into execution ; but, if it was not fit that it should be executed at all, it ought not to be suffered to remain, merely as a temptation to the profligate to strip honest and meritorious people of their property.” He said, he was extremely sorry to inform the committee, “ that there was, at that moment, a suit actually depending in the courts of law in Scotland, founded on this particular statute. A roman-catholic gentleman, as respectable and amiable in charac-

“ ter as any man in this or any other kingdom, was
“ possessed of an estate of 1,000 *l.* a year, which had
“ been in his family for at least a century and a half;
“ this gentleman, loved and respected by all who
“ knew him, was now on the point of being stripped
“ of his property by a relation, who could have no
“ other shadow of claim to it than that which he might
“ derive from this penal law, which he was endeavour-
“ ing rigidly to enforce. In the courts, as much delay
“ as possible was thrown in his way; but it was to
“ be feared that he must succeed at last, and reduce
“ to beggary a gentleman in every respect a most
“ meritorious subject. If it was too late to save him
“ from such a misfortune, the legislature, he trusted,
“ would interpose, and take care that he should be
“ the last victim to a cruel law, and that it should
“ never operate in future to the destruction of any
“ other person; for surely it was no longer to be
“ endured, that a man should be placed in the horrid
“ situation of either renouncing the religion of his
“ heart, or by adhering to it conscientiously, forfeit
“ all his worldly substance.” His lordship concluded
by moving, “That the chairman should be directed
“ to move the house for leave to bring in a bill
“ requiring an oath of abjuration and declaration
“ from his majesty’s roman-catholic subjects in that
“ part of Great Britain called Scotland.”

Colonel Macleod having declared his ready concurrence in the measure proposed, the question was unanimously carried; and the bill having passed through all its stages without opposition, it received, in due

“ course, the confirming sanctions of the other
“ branches of the legislature *.

The preamble to this act is very remarkable :—it is expressed in the following terms :—

“ Whereas by an act of the parliament of Scotland,
“ made in the eighth and ninth sessions of the first
“ parliament of his late majesty king William the
“ third, (intituled, ‘an act for preventing the growth
“ of popery,’) several penalties and disabilities are
“ imposed upon all persons professing the roman-
“ catholic religion, within that part of the kingdom
“ of Great Britain called Scotland, who shall refuse
“ to make *a renunciation of popery*, according to
“ the formula thereunto subjoined, in the manner
“ therein expressed : *And whereas the rigour of the*
“ *aforesaid act, at the time of its passing, was*
“ *chiefly judged expedient, in order to preserve*
“ *the government against the attempts of efforts of*
“ *those persons, who then did, or were supposed to*
“ *acknowledge the temporal superiority or power of*
“ *the pope, or see of Rome, over that part of the*
“ *realm of Great Britain called Scotland, which is*
“ contrary to, and inconsistent with, the allegiance of
“ the subjects of the said realm : *And whereas the*
“ *aforesaid formula contains only a renunciation of*
“ *speculative and dogmatical opinions*, but imports
“ no positive assurance of the submission and attach-
“ ment of the persons making the same, to the laws
“ and constitution of the realm, or to the person of
“ his most sacred majesty : And whereas, in and

* See the Annual Register of the year 1793.

“ by an act of parliament, made in the 31st year
“ of the reign of his present majesty, (intituled,
“ ‘ an act to relieve, upon certain conditions, and
“ under certain restrictions, the persons therein
“ described, from certain penalties and disabilities,
“ to which papists, or persons professing the popish
“ religion, are by law subject,’) a certain form
“ of oath, abjuration, and declaration was pre-
“ scribed to be taken and subscribed by all persons
“ professing the roman-catholic religion, *which was*
“ *found a proper and sufficient test of the loyalty of*
“ *such persons who should take and subscribe the*
“ *same* ; and upon the taking and subscribing thereof,
“ they became exempted and relieved from many
“ pains, penalties, and disabilities, to which they were
“ before subject and liable : And by the said act
“ it was provided, that nothing therein contained
“ should extend to that part of Great Britain called
“ Scotland : And whereas it is now found expe-
“ dient, that *one common form of oath*, abjuration,
“ and declaration, shall be taken and subscribed by
“ all his majesty’s subjects professing the roman-
“ catholic religion, throughout the whole kingdom of
“ Great Britain, and that similar advantages shall be
“ annexed to the taking and subscribing of the
“ same :”

It was therefore enacted, that “ from thence-
“ forth all persons professing the roman-catholic reli-
“ gion, within that part of the kingdom of Great
“ Britain called Scotland, who should take and sub-
“ scribe the oath, abjuration, and declaration, therein-

“ after expressed, and in the manner thereby directed
 “ and required, should be exempted and relieved
 “ from all the pains, penalties, and disabilities im-
 “ posed, enacted, revived, ratified, and confirmed by
 “ the before-mentioned act of the 8th and 9th ses-
 “ sions of the first parliament of king William the
 “ third, as fully and effectually, to all intents and
 “ purposes whatsoever, as if such persons had actu-
 “ ally *made the renunciation of popery thereby*
 “ *ordained, according to the formula thereunto*
 “ *subjoined.*”

Both the general tenor and the language of this act are very remarkable. They appear to imply, or rather to express in clear and unambiguous terms, that the parliament, who passed the act, understood,—1st, That popery consists in the belief of the pope’s right to temporal power in this country* ;—2dly, That a roman-catholic, taking the oath of supremacy, denies by it the pope’s temporal power, but does not deny by it his spiritual power ;—3dly, That this spiritual power was, in a political view, merely a speculative and dogmatical opinion ;—4thly, That the oath of 1778 was, and had been found, a proper and sufficient test of the loyalty of the persons, by whom it is taken ;—and 5thly, That an uniformity of oaths is desirable.

Quid quærimus ultra ?

LUCAN.

The catholics solicit from parliament nothing more than that they should legislate, in their regard, upon

* If this be true, there is now no papist.

these principles, in a manner suitable to their high wisdom and liberality, and with a due regard to the honour and conscientious feelings of those whom they profess to relieve.

A P P E N D I X.

NOTE I. referred to in p. 40; and NOTE II. referred to in p. 109. of this volume, will be found at the End of the First Volume.

NOTE III; referred to in p. 199.

- 1.—*Letter of Monsignor Quarantotti to Doctor Poynter:*
 - 2. *Address from the general Board of the English Catholics, to Pope Pius VII:—*
 3. *The Answer of his Holiness:*
 - 4. *Letter from Cardinal Litta to Doctor Poynter:—*
 5. *Letter from Pope Pius VII. to the Catholic Prelates of Ireland.*
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1. Copy of a Letter from Monsignor Quarantotti to Doctor Poynter, V. A.; dated Rome, 16th Feb. 1814.
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Most illustrious and right reverend Lord,

WITH great pleasure we have learned, that a bill for the emancipation of the catholics of your flourishing kingdom from penal laws, which was proposed in the last year, and lost by a small minority, may probably be again presented in this session of parliament. It is our ardent wish, that this act, so much desired, may at length be passed; and that the catholics, who have ever given such distinguished proofs of their obedience and

fidelity, may at length be delivered from the heavy yoke by which they have so long been oppressed: and that, without any detriment to their honours or estates, they may give full scope to those exertions, which both religion and the good of their country require of them: And this may be surely expected from your most beneficent sovereign, and from that illustrious nation, which on former occasions, and especially in these latter times, has acquired so much glory in the estimation of the whole world for its equity, prudence, and other virtues. And since it has been represented, that among the bishops certain questions and differences have arisen, relative to the conditions on which the catholics are to be placed on an equality with their fellow-subjects, We, who, in the absence of the supreme pastor, are placed over the concerns of the sacred missions; and, for that purpose, are invested with full pontifical powers, have thought it incumbent on us to remove every ambiguity and obstacle which might impede so desirable a conciliation; and by the authority and consent of the holy see, to supply such faculties as do not come within the ordinary limits of episcopal jurisdiction. Having, therefore, taken the advice of the most learned prelates and divines, having examined the letters which have been transmitted to us both by your lordship and the archbishop of Dublin; and the matter having been maturely discussed in a special congregation, it is decreed, that the catholics may, with satisfaction and gratitude, accept and embrace the bill which was last year presented for their emancipation, in the form in which your lordship has laid it before us. One point only requires some explanation; and that is, the second part of the oath, by which the clergy is so restrained, as not to be permitted to hold any correspondence with the sovereign pontiff and his ministers, which may, directly or indirectly, subvert, or in any way disturb the protestant

government, or church. It is evidently, by divine authority, the special duty of the ministers of the church every where to propagate the catholic faith (the only faith which can lead to eternal felicity), and to refute erroneous doctrines. This is taught by the precepts of the gospel, and by the example of the apostles and their successors. Now, should a catholic convert any protestant to the orthodox religion, he might be deemed guilty of perjury; as, by such conversion, he might seem, in some sort, to disturb the protestant church. Understood in this sense, the oath cannot lawfully be taken, as being repugnant to the catholic faith. If, on the other hand, it be the meaning of the legislators— that the ministers of the catholic church are not forbidden to preach, instruct, and give counsel, but are only prohibited from disturbing the protestant church or government by violence and arms, or evil artifices of whatever kind, this is just, and entirely consonant to our principles.

To you, therefore, it belongs, with all humility and earnestness, to supplicate the high court of parliament, that in order to quiet and secure the consciences of the catholic clergy, it will affix some modification or declaration to this clause in the oath; which, removing every ambiguity, may leave them the liberty peacefully to preach and to persuade. In case the bill be already passed, containing the same words, or that nothing in it is allowed to be altered, let the clergy acquiesce; and it will be sufficient for them publicly to declare, that this, and this only, is the sense in which they have sworn to it, so that nothing in the oath may be adverse to orthodox doctrine; and, that this protest may be generally known, and be for an example to posterity, this construction of it shall be publicly recorded. It were to be wished, likewise, if it can be obtained, that a declaration should be made by some of the members

of parliament, that government requires the oath from the catholic clergy in this sense, and no other. Other clauses, which you mention as contained in the same bill, may be submitted to by the indulgence of the apostolic see.

That the king should desire to be certified of the loyalty of such as are promoted to a bishopric or deanery, and should be assured that they are endowed with such qualities as become a good subject; that, to investigate these particulars, he should likewise appoint a committee to inquire into their moral conduct, and make a report to his Majesty, as your lordship has given us to understand is the case; that for this very same reason, the king should require that foreigners, and those likewise who have not resided five years in the kingdom, should be excluded from such dignities;—all this, as it regards only what is within the competence of civil authority, may be deserving of every toleration. It is highly proper that our prelates should be agreeable and acceptable to the king; that they should exercise their ministry with his full consent; in fine, that their probity should be evident even to those who are not in the bosom of the church. For a bishop (as the apostle teaches, 1st epistle to Timothy, iii. 7.) *should have a good report of them who are without.* On these accounts, by the authority vested in us, we allow that those who are designed for a bishopric or deanery, and are proposed by the clergy, be admitted or rejected by the king, according to the proposed bill. Therefore, after the clergy have, in the usual manner, chosen those whom they shall have judged in the Lord to be worthy to be exalted to those dignities, in Ireland the metropolitan of the province, in England and Scotland the senior apostolical vicar, shall announce them to the committee for the royal approbation or dissent. If the candidates be rejected, others shall be proposed, who

may be pleasing to his Majesty ; but, if approved, the metropolitan or apostolical vicar, as above, shall send the act of their election to this sacred congregation, which, having weighed with care the merits of each individual, shall apply to the sovereign pontiff for canonical institution. We observe, likewise, that it is the office of the said committee to examine any letters which are sent to any of the clergy of Great Britain from the ecclesiastical powers, and diligently to inquire whether any thing be contained therein which may be obnoxious to the government, or in any way disturb the public tranquillity. Since communication with the head of the church in spiritual and ecclesiastical concerns is not prohibited, but the inspection of the committee regards only matters of civil policy, this likewise ought to be acquiesced in. It is good that the government should not entertain any suspicion concerning our communications.

What we write can be laid open to all ; for in no way do we interfere with civil concerns : our attention is directed to those things only, which appear to be required by the divine and ecclesiastical law, and by the salutary regulations of church discipline. Those matters only shall be kept secret, which affect the internal tribunal of conscience : but for this we see it is sufficiently provided by the clauses inserted in the said bill ; and we are well persuaded that your wise government, while it is intent on preserving public security, will, by no means, exact that the catholics should depart from their religion ; nay, is rather pleased that they faithfully adhere to it ; for this holy and divine religion is friendly to public authority, gives stability, to thrones, and makes subjects obedient, faithful, and emulous of their country's welfare. Nothing, therefore, can be more gratifying and delightful to the apostolic see, than that between the government and its catholic subjects there

should exist an entire concord, and a mutual confidence; that the ministers of the state should never be able to doubt their loyalty, obedience and attachment; and that the catholics themselves should be devoted to their country, with every effort of zeal, candour and alacrity. We therefore exhort all, in the name of the Lord, and especially the bishops, to lay aside contention; and, for the edification of others, unanimously to adopt the same sentiments, that there may be no room for schism, nor any injury be done to the catholic cause: but that, if the bill shall be passed, by which the catholics shall be freed from the penal restrictions by which they are now held, they not only embrace it with entire satisfaction, as has already been said, but express the strongest sentiments of gratitude to his Majesty and his most august council, for so great a benefit; and by their conduct, prove themselves worthy of it. In conclusion, We request of your lordship, that you will cause this letter to be communicated to all the bishops and apostolical vicars in the kingdom: and, trusting that they will promptly and entirely conform themselves to these things, which from the power vested in us have been decreed, We beseech the Lord God Omnipotent to preserve your lordship for a length of years; and, at the same time, I profess myself bound to you by every consideration; and am

Your most devoted servant,

(Signed) J. B. QUARANTOTTI, Vice Prefect.

(Signed) *Michael Adeodatus Galeassi*, Substitute.

Given at Rome, from the Chambers of the Congregation for the propagation of the Faith,
16th February 1814.

To the Right Reverend William Poynter,
Lord Bishop of Halia, Vicar Apostolic in
the London District.

2. Address to his Holiness Pope Pius the seventh, as resolved at a Meeting of the General Board of British Catholics, June 17, 1814.

Right honourable the Lord Clifford in the Chair.

Most Holy Father,

WE, the undersigned members of the catholic church in Great Britain, beg leave to approach the sacred feet of your holiness with our most humble and sincere congratulations on the happy restoration of your holiness to your city of Rome, and with assurances of the deep and unalterable respect and veneration, which we feel for your sacred person and character.

If we have seen, most holy father, with long and bitter regret, the cruel captivity and unprovoked severities under which your sacred person has for so many years languished ; permit us also to say, that we have viewed, with affectionate veneration, the meek and unshaken courage, with which the chief pastor of the church of Christ has opposed the impenetrable armour of the faith, to the fiery darts of the enemy ; setting to the world at large, and to the faithful in particular, a shining example, which we in humility hope we shall ever be ready to follow.

Manifold and severe have been, in these latter days, most holy father, the trials by which it has pleased the Almighty, that his church should be proved : on the altars of her temples, from which the cross of Christ had been torn down, shameless profligacy has been exalted in impious triumph. The blood of her priests and prelates, venerable from age and sanctity, has, without even a pretence, been poured out on the soil of our neighbouring country. The sacred persons of her pontiffs have been contumeliously dragged from

prison to prison, deprived of the necessities of life ; and, when the sword was weary of destroying, thousands of her innocent clergy were driven with blows and curses into vessels, which placed them, destitute of money, of raiment, and of food, on the shores of this country. Those fools, who said in their hearts, there is no God, hoped, that in a land disjoined from them by long animosity, yet further removed by difference of faith, these blameless confessors might meet, if not a speedy termination of their miseries, the long protracted torment of unnoticed, unpitied, though consuming want. Fools ! they knew not how, under every form, they who call on the name of Christ, are bound by a golden chain, knit by the hand of God, and which the utmost force of man or demon cannot break. Every heart was moved with a charity truly christian ; every hand was stretched out to raise from the ground their wounded and languishing brethren : and it is not to be doubted, that these exiled and suffering men, by their most exemplary purity of manners and touching gratitude, conferred, in their turn, on our generous countrymen, a benefit of no small account ; they inclined the hearts of their benefactors to a more just estimate of the merits of a church, which had for a long series of years been the object of their terror and abhorrence, and we hope, drew down from Heaven the peculiar favour, which has exempted from the horrors and miseries of invasion this happy land, and has placed in those hands, which were open to shower on their suffering brethren the fruits of their own enterprising industry, that force which has nerved the arm of Europe, nearly sinking under the monstrous power of the oppressor, and enabled it at length to shake off the disgraceful yoke, and, by the restoration of order, give peace to a bleeding world.

For ourselves, most holy father, we acknowledge, with deep gratitude to the Author of all good, that we

nave not only been exempt from the peculiar and awful trials of the church in these days, when the abomination of desolation had entered the holy places, and seemed to threaten the extinction of the very name of Christ; but have seen ourselves, by successive acts of the legislature of our country, under the mild and enlightened sway of our revered monarch, admitted to the name of Britons; secured in the enjoyment of our property; and permitted, without the dread of death, exile, perpetual imprisonment or confiscation, to offer our supplications at the throne of mercy, and perform the sacred duties of the holy religion we profess. From any participation in the legislative or executive branches of our government, from all offices, civil and military, we still however remain excluded; and, if we continue our strenuous exertions, to obtain from our country a full enjoyment of those rights, so peculiarly valuable to Britons, we trust that we are not actuated by meaner motives, but by the wish to render ourselves useful to our country, by the exertion of the various talents we possess in her service, and the conscientious discharge of that high debt, which every man owes to the state, of which he is a member, and by the anxious and earnest desire to be united to our fellow citizens by every tie of affection and confidence, and to see the mists of prejudice removed, and our faith no longer branded with the imputation of superstition and idolatry.

With these great objects constantly in our view, we have not fainted in our course, though obstacles equally distressing and unforeseen have opposed themselves to us. In those days of mourning, when we saw the head of our holy church despoiled of his possessions, driven from his see, his clergy dispersed and destitute, himself a prisoner in an unknown dungeon, we were told, not without triumph, by some of our adversaries, that
“ Babylon was no more, and the reign of Antichrist was at

“ an end.” To these taunts we answered not, but looked forward with confidence unshaken, though silent, to that day, when He who founded his church on a rock, should lay the storm which beat furiously over it, and shew it again to the world unshaken and unimpaired. To those who still continued to charge us with want of faith to persons differing from us in religion, who told us that our most solemn oaths of loyalty to our king, and fidelity to our country, were but an impious mockery; for that a power existed, whose word could make it not merely an innocent, but a meritorious act to break them—our conduct has been our answer. They who thus revile us, have seen us uniformly obedient to the laws and rulers of this realm, and anxious to give every pledge of our civil fidelity to our country; but, by our steady refusal of those oaths and declarations which interfered with our religion, and our patient and long suffering of privations the most important as well as the most humiliating, fully proving, that we held a strict adherence to our sworn truth—a duty which no power on earth could suspend or absolve us from.

These imputations on our church, from persons who had viewed her with those long rooted prejudices, which had prevented them from ever examining her doctrines, gave us less pain, most holy father, than the reproaches which were poured on us by some of our own brethren, who ceased not to accuse us as apostates, and ready to sacrifice our faith to the acquisition of worldly advantages, and, for temporal to barter the eternal. Conscious that there was not one amongst us, who would not have turned with disdain and horror from him, who could have proposed to us this impious and foolish traffic; certain that we might render to Cæsar the things that are Cæsar’s, without ceasing to render to God the things that are God’s; and not forgetting, that our divine master ordered his disciples to fulfil the one

as well as the other of those high duties, we were not affrighted by the menaces of those our bosom enemies. And, we have lately with unspeakable joy received from these venerable men, to whom your holiness had in your absence delegated the power of inquiring into, and sanctioning by their approbation, the conduct of the faithful, a rescript, in which, after a full examination, they declare their decided sense of the blamelessness of our conduct, and use the most cordial expressions of respect and thanks to the legislators of our country, who had by the bill, proposed last year in parliament, intended to remove all impediments to the union of British hearts and hands in the common cause, and for the common good of our native land. To the sentiments contained in this rescript, we have given our fullest and most unequivocal assurances of adherence and respect; and we have exhibited the document to our countrymen, as containing the most decided proof, that no part of our submission to, and union with the apostolic see, can be construed to interfere with our loyalty to our country and our allegiance to our sovereign; confident that, on the return of your holiness to the free exercise of your apostolic functions, we shall receive the assurance, that these venerable depositaries of your authority, during your captivity, have spoken the genuine and full sentiments of your holiness's paternal heart, towards the faithful of these countries.

We cannot, most holy father, contemplate, without emotions of the most lively joy, and sentiments of the most humble gratitude to the great Disposer of all events, and the Giver of all good gifts, the prospect of peace and union among all the nations of the earth, after the long years of misery and oppression which we have witnessed. The restoration of your holiness to that most venerable throne on which your long tried virtues

and sufferings shed a new lustre, is as it were the crown of all these mercies.

To our most humble and fervent thanksgivings for these happy events, which have come to pass in a mode which human wisdom could not have foreseen, nor human power compassed; to our prayers, that the inestimable benefits now conferred on us may not be withdrawn from us and our children by our own unworthiness, we add our constant supplications to the throne of grace, for the prosperity and happiness of your holiness. Long, most holy father, may your wisdom guide, and your virtues adorn the church of Christ, over which the divine providence has placed you! In these wishes, in these vows of your health and felicity, we speak the voice of all Europe; but, as Britons, we feel a peculiar tie of gratitude to your holiness! Against us the peculiar hatred of your holiness's oppressor was directed; the steady and inflexible refusal of your holiness, as the common father of Christendom, to declare war against this country, drew on your sacred head the peculiar vengeance of the tyrant: with what united sentiments of affection and veneration do we now, therefore, approach your sacred feet, and offer our praises, our thanks, and our prayers, for the chief pastor of the church of Christ!

Clifford, Chairman.

Edward Jerningham, Sec.

On the 25th of February 1815, the subjoined answer from his holiness was transmitted to the board, accompanied by the following communication from the Rev. Mr. Macpherson, agent for the British catholics in Rome.

SIR,

I HAVE the honour to inform you, that the address of the catholic noblemen and gentlemen of Great Britain,

was most graciously received by his holiness, Pius the seventh; and, along with this, I enclose his holiness's answer.

I have the honour to be, &c. &c.

P. Macpherson.

To Edward Jerningham, Esq.

Secretary of the Board of British Catholics.

3. *Answer of his Holiness Pope Pius the seventh.*

To our dear Children, the Catholic Inhabitants of Great Britain.

Beloved Children, Health and Apostolic Benediction.

THE singular love and high respect towards the see of Rome, which are evinced in every part of the letter we have lately received from you, have not only confirmed, but increased, the constant opinion we entertained of your piety and religion. Your pious concern for our troubles, and most affectionate congratulations on our return, we have received with the greatest pleasure, and shall ever preserve the recollection of them with a grateful heart.

We, on our part, congratulate you, beloved children, that the condition of yourselves, and all catholics in your parts, is also ameliorated. By the integrity of your conduct, and your obedience to the just laws of your country, you have shewn that the accusations under which you have heretofore so severely suffered, were calumnies thrown out against the catholics.

But, being desirous to further the laudable and earnest desire, with which you are inflamed, of serving your country, not only in heart and mind, but also by active service (consistently as certainly is your resolution with the principles of your religion), the rescript which, during our absence, and the dispersion of our

venerable council, was on the sixteenth day of January last issued, and sent to you by our beloved son, the secretary of the propaganda, inasmuch as it turns on a matter of the highest moment, we have given, as you already know, to those of the congregation of our venerable brethren, the cardinals, to whom matters of this nature are usually referred; in order to be examined by them maturely, and *ab integro*; we, however, intreat you to be persuaded, that in this important matter we shall most willingly comply with your wishes, as far as the dignity, the purity, and the integrity of the catholic religion will allow.

As to the rest,—our own attachment to your country, and your conduct in respect to her, make us confidently hope, that you yourselves will experience that humanity, which is the peculiar character of your nation, and which all Europe has lately experienced, in her delivery from the yoke of the most oppressive slavery, chiefly obtained by the wisdom, the wealth, and the arms of England.

In the mean time, most beloved children, be particularly careful to avoid every thing which can give the power, to whom you are subject, just causes for blaming you.

Promising this to ourselves, from your wisdom and prudence, we most affectionately impart to you our apostolical benediction—a pledge of our special love.

Given at Rome, at St. Mary Major, under the Ring of the Fisherman, on the 28th day of December 1814. In the fifteenth year of our pontificate.

DOMINICUS TESTA.

4. *Copy of a Letter from Cardinal Litta, Prefect of the Congregation de Propagandâ Fide, to Bishop Poynter; dated Genoa, 26th April 1815.*

Most illustrious and most reverend lord,

YOUR lordship has lately informed me of your speedy return to England, earnestly intreating me, at the same time, to put you in possession of his holiness's ideas respecting the conditions that would be allowed, with a view of enabling the catholics to obtain from the government the wished-for bill of emancipation. His holiness, before whom, in compliance with my duty, I have laid the whole transaction, having been again compelled by the present unexpected conjuncture, to absent himself from Rome before he was able to finish the examination of that affair, which he had begun a long time since, is unwilling, consistently with his eminent prudence, to pronounce his final sentence concerning a matter of such great moment. He has, however, been pleased to communicate to me his sentiments with regard to the only terms, which, after rejecting all those that have hitherto been proposed, his dear catholic children of Great Britain may admit with a safe conscience, should the bill of their emancipation, as has long been expected, have passed. For his holiness is confident, that the august king of Great Britain, as well as the most serene prince, son to the king, agreeably to that signal clemency and wisdom, with which they are endowed, and prompted by the native generosity of their minds, will doubtless add fresh favours and benefits to those already conferred upon the catholics, particularly as they have always found them most loyal and most willing to suffer, under God's protection, the greatest dangers, rather than to be any ways wanting to their duty towards their renowned king.

1 The subjects which come now to be taken into con-
 2 sideration, namely, those which the said government
 3 for the tranquillity and security both of themselves and
 of the state, so far as the catholic subjects are con-
 cerned, appear anxious to settle on a firm footing, are
 these; The oath of allegiance to be taken by them, the
 manner of appointing bishops to vacant sees, and the
 examination of all rescripts, or briefs, and ordinances
 from the supreme pontiff, previous to allowing them to
 be acted upon.

As to the first point: His holiness is willing to believe,
 that the British government is not disposed to exact
 from the catholics, any other oath than such a one as
 shall indeed afford full security to the government,
 respecting the loyalty and obedience of the catholics,
 but shall not, in any manner, either be at variance with
 the principles of the catholic religion, or hurtful to that
 most holy religion of Christ. In the event of the eman-
 cipation, so it be favourable to the catholics in general,
 his holiness will permit them to adopt for their oath any
of the three forms following, which the government may
 prefer. For as each of them is well calculated to answer
 both ends proposed, the government cannot but ac-
 quiesce in them.

The first runs thus:—I swear and promise, on God's
 holy gospels, obedience and loyalty to the royal majesty
 of George the third; I likewise promise not to hold any
 communication, or to be present at any deliberation, or
 to keep up any suspicious commerce, either at home or
 abroad, that may be injurious to public tranquillity;
 and if, in or out of my diocese, I should learn that any
 matter dangerous to the state is in agitation, I will
 inform the government thereof.

The second might be worded thus:—I swear and
 promise to conduct myself loyally, and to be entirely
 subjected and obedient to his majesty George the third;

not to disturb by any means the peace and tranquillity of this realm; nor afford help and assistance to any person that shall, either directly or indirectly, be against his Majesty and the present government of England.

For the third form is proposed :—I swear and promise obedience and true fidelity to our most beloved Lord George the third, whom I will defend to the best of my ability against all conspiracies, attacks or attempts of any kind, directed against his person, crown, and dignity, and I will disclose them to his Majesty, should I ever learn that such are plotting against him or them. I likewise faithfully swear and promise to preserve, protect, and defend, as much as in me lies, the succession to the crown in his Majesty's family, against any person or persons, whether in or out of the kingdom, that may claim or pretend a right to the crown of this kingdom.

Thus much respecting the oath. Let us now consider the election of the bishops. On this head his holiness above all things exhorts, and peremptorily orders, those who usually appoint to the vacant sees persons to be proposed and recommended to the holy see, to employ the utmost care and circumspection, not to admit into the number of candidates any but such as, beside the other pastoral virtues, possess, in an eminent degree, prudence, love of quiet, and loyalty. In the next place, although any of the proposed forms of oath to be taken by the bishops newly elected, might afford abundance of security to the government, nevertheless, to their more ample satisfaction, his holiness will feel no hesitation in allowing those to whom it appertains, to present to the king's ministers a list of candidates, in order that if any of them should be obnoxious or suspected, the government may immediately point him out, so as that he may be expunged, care however being taken to leave a sufficient number for his holiness to choose there-

from, individuals whom he may deem best qualified in the Lord for governing the vacant churches.

As soon as the British government shall have promulgated in due form their bill of emancipation, consonantly with the ideas of his holiness, just stated, and which I believe are already known to the British government, his holiness purposes on his part to address a proper brief to all the bishops and faithful catholics of Great Britain, with a view of not only proclaiming to the whole world his grateful sense of the clemency and generosity displayed by the most powerful British government, but of exhorting the catholics themselves to exert their utmost endeavours in proving loyal subjects, especially after having received this fresh favour, and he intends finally to give solemn permission to the catholics respecting the points above stated, relative to the election of bishops.

As for the examination of the rescripts, to which I have alluded above, or what is called the Regium Exequatur, it cannot even be made a subject of negotiation. For your lordship well knows, that, as such a practice must essentially affect the free exercise of that supremacy of the church which has been given in trust by God, it would assuredly be criminal to permit, or transfer it to any lay power, and indeed such a permission has never any where been granted. If some, and even catholic governments, assume such rights, this is to be referred to the abuse, not to the right exercise of legitimate power, which abuse the holy see, to prevent greater evils, is forced to bear and tolerate, but cannot by any means approve. That, however, both the public tranquillity and his Majesty need apprehend no injury or danger from that indispensable independence in England of the supreme head of the church, in tending and instructing his flock, might be proved by several irrefragable arguments, which, as they are generally known, it would be useless

to repeat. Suffice to mention, that there *exist instructions for regulating the conduct of the bishops and apostolic vicars, which are contained in the first article of the Quæstionarium published by the Propaganda* (or the holy congregation for the propagating the faith,) and by which they are severally prohibited from adverting, in the reports concerning their churches which they are obliged to send in to the holy see, to any political matters whatever. Confident hopes may therefore be entertained, that the government will not persist in their demand, inasmuch as the church cannot give up its right, and as the exercise of such a right, according to the uniform testimony of experience, does not in the least interfere with the government.

Thus much I have judged it incumbent upon me to state to your lordship, that you may govern yourself accordingly.

Meanwhile, I pray to God Almighty, from my inmost heart, to grant you a happy voyage, and abundance of all kinds of prosperity.

I am your lordship's most humble servant,

L. Cardinal Litta,

Genoa, April 26, 1816.

Præfect.

To the most illustrious and most reverend
William Poynter, Bishop of Halia, and
Apostolic Vicar of London.

5. *The Pope's Letter on the subject of the Veto,—addressed to the catholic prelates of Ireland.*

TO OUR VENERABLE BROTHERS,

The Archbishops and Bishops of Ireland.

PIUS P. P. VII.

2? Venerable brothers, health and apostolical benediction. The perusal of your letter delivered to us by our venerable brothers, Daniel, archbishop of Hierapolis, coadjutor of the archbishop of Dublin, and John, bishop of Cork, together with certain resolutions passed with your joint concurrence at a synod held in Dublin, on the 23d and 24th days of August, of the last year, 1815, has impressed our mind with a deep sense of concern. For we, having openly declared the conditions to which we could assent, in case the expectation excited by the government of granting emancipation should be realized, imagined, we had, as far as in our power lay, removed the difficulties which opposed the emancipation of the catholics of the kingdom of Great Britain, and, in a certain degree, had prepared a way for the obtainment of a benefit, so long and so earnestly looked for. With this hope, and relying on it with certain confidence, we gave instructions to our venerable brother Laurence, bishop of Sabina, cardinal of the holy Roman church, and prefect of the congregation *de Propagandâ Fide*, to communicate our sentiments in a letter to our venerable brother the archbishop of Dublin, through whom they might subsequently be made known to your whole body also, which has been performed by him according to the instructions received from us. With what pain then do we find it expressly declared in your letter, that the expedient which, amongst others, we signified that we would follow, for satisfying

'the government of the loyalty of those to be elected bishops, not only did not meet your approbation, but appeared to you to threaten destruction to the catholic religion in Ireland! Wherefore, in conformity with our duty, we dispatch the present letter to you, for the purpose of effacing from your minds the not sufficiently well-founded opinion which you appear to entertain, in regard to the expedient above alluded to. We trust that God, and our Lord Jesus Christ, whose vicar on earth, though from no merits of our own, we glory in being, will give from above such force to our words, that the weighty reasons which we are about to lay before you, shall so affect your minds, as to induce you to lay aside all anxiety relative to the expedient, already stated as approved of by us.

It is necessary, therefore, venerable brothers, that you should bring distinctly to your recollection, the point of the expedient proposed by us, which has caused you so much fear and anxiety. When it became incumbent on us to adopt some method by which, after the law granting emancipation should be passed, the government might be satisfied of the loyalty of those to be chosen bishops, of which those at the head of it entertained very groundless indeed, but very serious apprehensions, what did we propose? Was it, that under the obligation of a convention, or by any other mode, or in any other form to be submitted to, perhaps if not strictly eligible, the right of *nomination, of presentation, of postulation*, should be granted to government, so that those administering it might dictate to us the names of clergymen to be by us appointed bishops in that kingdom? By no means; for while we strenuously adhered to the wise principles of our never-to-be-forgotten predecessor, pope Benedict the fourteenth, relative to the never granting to princes, not being catholics, the privilege of nominating to bishoprics or abbacies, declared by him in a

letter written to the bishop of Breslaw, on the 15th of May, in the year 1748, we carried our precautions so far, that we proposed nothing which could with truth be said to convey to the government a power as to the choice of bishops. We only declared that we would grant a certain power of exclusion; and, in order that the power so given might never be turned into a privilege of election, we circumscribed it within certain limits, and, as expressly stated in the letter of cardinal Litta, already quoted, we announced, that what we meant to permit was to extend no farther than this,—“That those whose province it is, may present to the king’s ministers the list of the candidates, in order that if there be amongst them the name of any person displeasing to, or suspected by, the government, such name may be immediately pointed out and erased; still, however, so that a sufficient number may remain, from which his holiness may freely choose whom in the Lord he may judge more fit for presiding over the vacant sees.” This then is what we proposed to allow, in order that all room for doubt concerning the loyalty of the prelacy should be removed from the mind of government. Its sphere of interference will be, you must perceive, very limited, being confined to this,—that it shall be empowered to erase from the list of candidates to be presented to this holy see for appointment to vacant bishoprics (which list we allowed should be submitted to the king’s ministers for that purpose), the names of any persons whose loyalty may be viewed with suspicion, still, however, with this stipulation and condition, that after the erasure of those names, a sufficient number of candidates shall remain, from which we, and the popes of Rome, our successors, may freely choose him, whom we shall judge of all the most worthy of the episcopal rank and office.

Wherefore, venerable brothers, it is unquestionably evident, that what we have done amounts only to this:

we have agreed to act steadily towards the British government, according to the same rule, useful in itself, founded in prudence, which our predecessors, the Roman pontiffs, even before those times when the nomination of bishops was granted to princes, determined, in their wisdom, to maintain as effectually as might be; that is, not to promote to vacant sees, any persons whom they might know to be displeasing to the powers under whom the dioceses to be administered by them were situated; which rule, far from being considered injurious to the church, and far from having brought any evil on it, is justly approved of and praised by all. For it is founded on a principle laid down by another of our most illustrious predecessors, St. Leo the great*, "that none be ordained bishop without the consent and postulation of the flock, lest an unwelcome intruder incur its contempt or hatred." Now this principle, although literally applicable to the people only, to whose postulations at that time regard was had in the election of bishops, must rightfully be extended to princes, the necessary circumstances concurring, and even to those who are not in communion with us, who, from the nature of their power in temporal affairs, have so easily the means of preventing a bishop, who may be the object of their dislike or suspicion, from the care of the flock committed to his charge.

But you appear to entertain serious apprehensions that, if the power spoken of be granted, the government may successively erase, from the list to be presented to it, the names of those most worthy of the honour of episcopacy, and by this means compel those who shall have the transaction of the business to name the clergyman whom it shall judge most likely to be subservient to its views, and that the destruction of the catholic religion may thence take its rise. Observe, however,

* Leo Magnus. Ep. 12. Anascap. 5.

venerable brothers, how destitute these your apprehensions are of all reason and all foundation; remember that the government which, under other circumstances, might be suspected of entertaining projects hostile to the catholic religion, is the same which by laws, especially those passed in the years 1773, 1788, 1791, and 1793, repealed a great part of those penal statutes by which the catholics of the British empire were so grievously oppressed; remember how often your most excellent king George the third, and his illustrious son, have extended their protection to catholics, and that the British government was amongst the chief of our supporters, in procuring our return to the pontifical chair, and our restoration to our antient independence in the exercise of those spiritual rights, which the hand of violence had wrested from us. Upon what grounds, therefore, could any one suspect that this same government entertained a design to destroy that most holy religion, which, by its favour and protection, it had so often guarded? And if certain attempts are still made in your island, to the injury of the catholic religion, these undoubtedly either are the acts of private individuals, or they will altogether cease, as soon as all laws, enacted against catholics being repealed, the latter shall be placed on the same footing as other subjects, and no objection be farther made to the free profession of the catholic religion.

Now, although it were a thing to be apprehended, which to us appears altogether incredible, that the projects of government were directed to the destruction of the catholic religion, yet the power which we declared ourselves willing to grant, could never be perverted into the means of producing such an effect. For the list in which the names of the candidates are to be contained, will certainly not be made out by the government, but by the care and attention of those, being catholics,

who usually propose to this see persons for promotion to the vacant bishoprics of your kingdom, which catholics, excelled by none in their zeal for religion, will insert in their list the names of such ecclesiastics only, as they shall judge best suited for sustaining the weight of the episcopal dignity; but government, according to the condition, which is, as we have mentioned, to make an essential part of our proposed concession, shall be allowed to point out for erasure from the list, not *all*, but *some* only of the names proposed, and be bound to leave a sufficient number, out of which a free election of one may be made by us. So that, although some be rejected by government, yet our selection will still be occupied about such only as, by the suffrage of catholics, shall have been judged the most worthy, and therefore inserted in the list of candidates, and for this reason it can never happen (provided the condition laid down by us be adhered to, from which, if any deviation be made, the concession itself becomes invalid,) that the government by excluding many in succession, should, at last, compel the electors to the choice of one unworthy of the office, and likely to be subservient to its plans for the destruction of the catholic religion.

This also, venerable brothers, it is right that you should seriously advert to, that it was not possible for us to refuse this small interference in the election of bishops to the British government, without exciting, in a serious degree, the displeasure of that government towards the whole church. It were indeed to be wished, and it is what we of all others most earnestly desire, that in the election of bishops, we enjoyed that full and complete freedom, which so peculiarly makes a part of our supremacy, and that no lay power had any share whatever in a matter of so much moment. But you yourselves well know, how far we are at present removed from this happy state of things. For the sove-

reigns of Europe, or many of them at least, have demanded and obtained, from the apostolical see, a greater or lesser share of influence in the nomination of candidates. And hence have arisen the *conventions*, the *indults*, the *nominations*, the *postulations*, the *presentations*, and other expedients of this kind, by which the extent of the privileges granted in this way to so many catholic sovereigns, is limited and defined. Even in your islands, before the ever-to-be-lamented separation from the Roman church took place, the bishops were chosen by the pope, upon the supplication of the king, as is recorded in the acts of the consistory, held on the 6th of July in the year 1554, during the auspicious pontificate of pope Julius the third *. Besides, not catholic sovereigns alone, but others also who are separated from our communion, claim a share in the appointment of ecclesiastical persons to bishoprics, situated in those parts of their dominions which yet adhere to the catholic faith; a claim which this see feels it necessary to submit to.

Such being the state of this momentous question, what hope could there be entertained that the British government would long have submitted to an exclusion from a share in appointing the bishops of your island, even such as it has been explained, while a conduct so different is observed not only to catholic sovereigns, to those even whose dominions are of the smallest extent, but also to princes who do not belong to our communion? Was it not to be feared, that if we had declined adopting the measure already mentioned, the government would not only lay aside all intention of granting emancipation to the catholics, but withdraw from them all favour and protection throughout the whole of its so widely extended dominions.

* Apul. Raynaldum ad an. 1554, No. 5 and 6.

Moreover an additional motive of jealousy must arise in the mind of government towards us and the catholic cause from this circumstance, that the bishops subject to its dominion, being rendered by the emancipation, supposing it granted, qualified to sit in parliament, new precautions might appear necessary to remove all possibility of doubt concerning their loyalty. We grant, indeed, that no additional pledge of that loyalty can appear necessary to us, proved as it is by the testimony of the experience of so many ages, and the bishops binding themselves to fidelity and obedience towards the government, by the obligation of an oath, according to the second of the three forms which we have proposed; but how is it to be expected that the government will consent to relinquish this additional security for the loyalty of the bishops, which in the case of so many other sovereigns and governments is fully allowed? How can it be imagined that the British government will not conceive itself unfairly treated, by the refusal of this additional security; or that it will not derive from it a motive of doubting the loyalty of the catholics, which unprincipled men are constantly labouring to bring under suspicion? Who can believe that the refusal of even such a return as this for the mighty benefit of emancipation, must not excite deep resentment in the minds of those who are expected to grant it?

For the prevention, therefore, of those evils which were to be apprehended on the part of so powerful a government, no other means appeared to us sufficient, but that of agreeing to those rules relative to the election of bishops, which are mentioned in the letter of cardinal Litta.


Now, with regard to the power which we have expressed an intention of granting, we consider it not only as making part of a fit and wise arrangement of ecclesiastical affairs, which shall be at once not inju-

rious to religion, and a means of averting from it many calamities otherwise to be feared, but also as a likely motive towards the obtainment of emancipation, which has been a principal inducement with us to concede it; desirable as that emancipation is to the catholics, and attended, as it must be, with a large share of spiritual advantages. Turn your thoughts, venerable brothers, to this, and consider it with particular attention, that we, in granting to government the indulgence so often spoken of, have been influenced by no political or temporal motives, but induced solely by a consideration of those benefits and advantages which must flow to the catholic religion from the repeal of the penal laws. For under the operation of those laws, whose severity is to be considered as not falling short of any, even the most grievous of the persecutions, recorded in the annals of the church—what afflictions, what oppressions, was not the catholic religion subject to in your islands? For in Great Britain, as you need not be told, the catholics are reduced to an inconsiderable number, while the succession of the catholic bishops is in a manner destroyed, a few vicars apostolic alone remaining; but in Ireland, although the legitimate succession of the hierarchy has been preserved inviolate down to the present day; and although the Irish catholics have been ever eminent for a most zealous attachment to our holy religion, yet their number has been unquestionably diminished by the operation of the penal laws, as a multitude of Irish writers abundantly testify.

That the miserable condition of the catholics in both islands has been greatly relieved by the clemency of George the third, and the repeal in parliament of many of the laws by which they were grievously oppressed, we grant and acknowledge: still, as you well know, many yet remain unrepealed, which press heavily on the catholics of Ireland, and still more on those of

England; and from which the evils resulting to the catholic religion, under their operation must, to a certain degree, at least, continue to flow. For which reason the catholics of England, almost all, and of Ireland, at least a great number, entertain a most earnest desire of the total repeal of those laws; and have, as is known to all, repeatedly petitioned for such repeal, in the same manner as, in the early ages of the church, the Christians, making use of St. Justin and the other apologists to explain their wishes, besought the abrogation of the laws enacted against them, which gave rise to the dreadful persecutions which took place in the Roman empire. It may be allowed to hope, that the day is not far distant, when a law corresponding with the wishes of the catholics shall be enacted, which, however, be their right to the obtainment of emancipation what it may, never, certainly, will pass, without our previously granting the privilege in question.

The weight of those reasons, which we have long and duly, in proportion to their high importance, considered, has induced us, after first hearing the council of several of our venerable brothers, cardinals of the holy Roman church, and examining the opinion of other men, eminent for learning and a knowledge of British affairs, to propose the temperament, so fully explained to you, for the settlement of this matter. We saw, indeed, that an infringement, to a certain degree, was thereby made in the discipline of the church, which claims for the Roman pontiff a complete independence in the election of bishops. But with regard to discipline, who is ignorant that changes may, by the legitimate authority, be made, in compliance with the circumstances of things and times? And this is a principle which our predecessors have uniformly maintained: as an instance of which, a noble maxim of St. Leo the great, particularly occurs to us, as expressed



in a letter to Rusticus, bishop of Narbonne* :—" As there are certain things which can on no account be altered, so are there many which from a due consideration of times, or from the necessity of things, it may be right to modify." We had also before our eyes the rule laid down by our predecessor, Innocent the third, who says †, " It is not to be considered blameable if, in consequence of a change of times, a change of human laws be effected, especially when an urgent necessity, or an evident utility calls for such change." Now, what more powerful reasons, what more momentous circumstances could ever be supposed to exist, than those by which we felt ourselves affected, and which we have not hesitated thus to lay before you? Since, therefore, the privilege offered by us is in itself harmless, and consistent also with all the rules of prudence; since from our refusal of it, heavy calamities, and from our grant of it, the greatest advantages must result to the church (understanding by those advantages the emancipation of the catholics and the restoration in the kingdom of Great Britain, of liberty in all things pertaining to religion), why should we hesitate? What motive could have retarded us from openly declaring our wish to grant the privilege in question, or from relaxing somewhat from the strictness of ecclesiastical discipline? We unquestionably judged that we were bound to act on this principle, and saw ourselves placed in such a situation, that we might justly adopt the expressions of our predecessor, Gelasius ‡: " We are compelled, by the inevitable dispensation of things, and by a due regard to the maxims of government adopted by the apostolical see, so to weigh the enactment of former canons, so to interpret the decrees of

* Ep. 167. Edit. Balerin.

† Cap. non debet 3. de consang. et affinit.

‡ In Epist. ad Episcopos Lucanio.

preceding pontiffs, our predecessors, as employing all due and diligent consideration, to regulate as well as may be, all those things which the necessity of the present times may require to be relaxed for the restoration of the churches."

We, therefore, venerable brothers, entertain no doubt that you all, having considered and duly weighed what we have thus set before you, will acknowledge the measure adopted by us to be most just, and will, in all respects, conform yourselves to it. Let your hearts glow with that zeal for religion with which those truly apostolical men were inflamed, who laboured, with so much solicitude, to recal the Irish nation from the erroneous celebration of Easter, as practised by them in the sixth and seventh ages of the church, and at length, by much labour and many cares, succeeded in establishing, in your island, the time of celebration so strenuously vindicated by our predecessors, Honorius the first, and John the fourth. Now, if you shall shew yourselves desirous to set an example of docility to others, and, as your wisdom so powerfully enables you, to instruct the people, and allay the rising emotions of their minds; we are fully persuaded that the benefit of emancipation being once granted, the long and stormy periods, during which religion has suffered a persecution so tedious and so severe, will be followed by days of peace, replete with tranquillity and all other blessings. Such days, venerable brothers, our prayers most ardently solicit for you, entertaining, as we do towards you all, the tenderest feelings of love and charity, in return for your merits towards the catholic church, and for the zeal and reverence you have ever manifested to this apostolical see. In pledge whereof, and with the strongest expression of our dearest regard, we hereby bestow on you, our venerable brothers, and on the

whole Irish people, our apostolical benediction. Dated Rome, at St. Mary Majors, February 1, 1816, in the 16th year of our pontificate.

PIUS P. P. VII.

Agreeable to the manuscript, so far
as above given,

J. THOS. TROY, R. C. of Dublin.

NOTE IV; referred to in p. 203.

*List of the Members of the Board of British Catholics:
Instituted May, 1808.*

Those, whose names are printed in *Italic*, have been aggregated to the Board since its original formation; and those names marked thus (†) have died since the institution of the Board in 1808.

BISHOPS.

Right Rev. Dr. WILLIAM GIBSON,
Bishop of Acanthos, Vicar Apostolic of the *Northern District*;

Right Rev. Dr. JOHN DOUGLAS,
† Bishop of Centuriæ, Vicar Apostolic of the *London District*;

Right Rev. Dr. JOHN CHISOLM,
† Bishop of Oria, Vicar Apostolic of the *Highland District*;
(*in Scotland*):

Right Rev. Dr. JOHN MILNER,
Bishop of Castabala, Vicar Apostolic of the *Midland District*;

Right Rev. Dr. PETER COLLINGRIDGE,
Bishop of Thespia, Vicar Apostolic of the *Western District*;

Right Rev. Dr. ALEXANDER CAMERON,
Bishop of Maximianopolis, Vicar Apostolic of the *Lowland District*; (*in Scotland*):

Right Rev. Dr. WILLIAM POYNTER,
Bishop of Halia, Vicar Apostolic of the *London District*;

Right Rev. Dr. ENEAS CHISOLM,
† Bishop of Diverarea, Vicar Apostolic of the *Highland District*; (*in Scotland*):

Right Rev. Dr. THOMAS SMITH,
Bishop of Bolina, Coadjutor in the *Northern District*.

Right Rev. Dr. ALEXANDER PATERSON,
Bishop of Cibistran, Coadjutor in the *Lowland District*;
(*in Scotland*):

Right Rev. Dr. SLATER,
Bishop of Ruspa.

Every Catholic Clergyman residing in Great Britain.

Bernard Edward Duke of Norfolk, (hereditary earl
marshal of England)

Henry earl of Surrey

Charles earl of Shrewsbury

Charles earl of Traquair

† Anthony earl of Newburgh

Francis earl of Newburgh

Arthur earl of Fingall

† Valentine earl of Kenmare

Valentine earl of Kenmare

† Charles viscount Fauconberg

Jenico viscount Gormanstown

John viscount Netterville

Rodolphus viscount Taafe

Thomas viscount Southwell

John lord Linton
 Thomas lord Kinnaird
 Arthur lord Killeen
 Charles lord Stourton
 † Robert lord Petre
 William Lord Petre
 † Henry lord Arundell
 † James lord Arundell
 Everard Lord Arundell
 Charles lord Dormer
 Charles lord Clifford
 Edward lord Athenry
 John lord Trimlestown
 Charles lord Ffrench

Hon. William Stourton
 Hon. Hugh Clifford
 Hon. Edward Stourton
 Hon. Charles Stourton Langdale
 Hon. Philip Stourton
 Hon. Edward Petre
 Hon. Philip Roper
 † Hon. Robert Clifford

Sir William Gerard, bart.
 Sir Edward Hales, bart.
 Sir Henry Englefield, bart.
 Sir Henry Tichborne, bart.
 † Sir William Jerningham, bart.
 Sir George Jerningham, bart.
 Sir Thomas Vavasour, bart.
 † *Sir John Throckmorton, bart.*
 Sir George Throckmorton, bart.
 Sir Edward Blount, bart.
 Sir Windsor Hunloke, bart.
 Sir Carnaby Haggerston, bart.
 Sir Thomas Webbe, bart.

Sir Richard Bedingfield, bart.

Sir Edward Smythe, bart.

Sir Thomas Stanley, bart.

Sir Thomas Gage, bart.

† Sir John Lawson, bart.

Sir Henry Lawson, bart.

Sir James Gordon, bart.

Sir Thomas Clifford, bart.

Acton of Wolverton, William

Arundell, Raymond

Amherst, William

Berkeley, of Spetchley, Robert

Biddulph, of Burton, John

Biddulph, of Burton, Charles

† Blundell, of Ince Blundell, Henry

Blundell, of Crosby, William

Bodenham, of Rotherwass, Charles

Bodenham, of Rotherwass, Charles, jun.

† Berrington, of Stock, Thomas

Brockholes of Claughton, William Fitzherbert

Blount, of Mapel Durham, Michael

Blount, of Mapel Durham, Michael, jun.

Blount, of Bellamore, Edward

Blount, of Clifton, George

Beaumont, of Barrow, John

Berrington, of Winsley, Thomas

Berrington, of Buckland, Rev. Joseph

Birdsall of Liverpool, Joseph

Constable, of Burton Constable, Francis Sheldon

Canning, of Foxcote, Francis

Charlton, of Hesleyside, William

Cholmeley, of Bransby, Francis

† Craythorne, of Craythorne, Thomas

Clavering, of Calaley, John

Cary, of Torr Abbey, George

Cary, of Follaton, Stanley

Constable, Charles Stanley
 Conolly, of Midford Castle, Charles
 Canning, of Houndshill, Robert
 Clifford, of Liverpool, George
 Darell, of Cale Hill, Henry
 Dalton, of Thurnham, John
 Dalton, of Thurnham, John, jun.
 Darell, of Cale Hill, Edward
 Darell, of Wymondham, John
 Dunn, of Saltwell House, Joseph
 Dillon, John Joseph, of Hatch
 † Eccleston, of Scarisbrick, Thomas
 Eyre, of Sheffield, Vincent
 Eyston, of Hendred, Charles, jun.
 English, of Bath, John
 Errington, Thomas
 Frankland, of Durham, John
 Fermor, of Tesmore, William
 Fairfax, of Gilling Castle, Charles
 Giffard, of Chillington, Thomas, jun.
 Gostling, of Norwich, Francis
 Gillow, of Lancaster, Messrs.
 Gibson, of Stonecroft, Gasper
 Gillebrand, of Gillebrand, Thomas
 Goold, of Painswick, George
 Gibson, of Liverpool, George
 † Howard, of Corby Castle, Philip
 Howard of Corby Cestle, Henry
 † Hornyold, of Blackmore Park, Thomas
 Hornyold, of Blackmore Park, Thomas, jun.
 Hanford, of Strensham Court, Charles
 Hyde, of Hyde End, John
 Huddleston, of Sawston, Richard
 Havers, of Thelton, Thomas
 Hussey, of Nash-Court, John
 Jones, of Llanarth, John
 Jerningham, of Costessey, William

- Kirksopp, of Spittal, James
† Langdale of Haughton, Philip
Leigh, of Liverpool, John
Leigh, of Liverpool, Henry
Leigh, of Liverpool, Roger
Lynch, of Liverpool, Jas. Chr. M.D.
Lawson, of York, John, M.D.
Maxwell, of Everingham, M. Constable
Menzies, of Pittfodels, John
Middleton, of Middleton, William
Middleton, of Stockheld, Peter
Manby, of Downsall, John
Mostyn, of Kiddington, Charles Browne
Mannock, of Giffard's Hall, William
Meynell, of Clifton, Rev. William
M'Cartney, of Liverpool, John, M.D.
Migraw, of Liverpool, Nicholas
Maxwell, of Kirkconnel, James
Orrell, of Blackbrook, James
Pattinson, of Liverpool, Ellames
Petre, of Dunkin Hall, George
Porter, of Writtle, James William
Pitchford, of Norwich, John
Riddell, of Felton Park, Ralph
Rookwood, of Coldham, Robert Gage
Riddell, of Cheesburn Grange, Ralph
Rosson, of Liverpool, John
Stonor, of Stonor, Thomas
Silvertop, of Minster Acres, George
Stapleton, of Carlton, Thomas
† Standish, of Standish, Thomas Strickland
Selby, of Biddleston, Thomas
† Stapleton, of Clints, John
Stapleton, of Richmond, Thomas
Swinburn, Thomas
Standish, of Standish, Charles Strickland

Strickland, Jarard Edward
 Salvin, of Croxdale, William Thomas
 Smythe, of Brambridge, Walter
 Stanley, of Hooton, Charles
 Smythe, of Bath, Hugh
 Salvin, of Burnhall, Bryan John
 Seel, of Hurst-house, Thomas Molyneux
 Slater, of Liverpool, John
 Slater, of Liverpool, Benedict
 Sankey, of Holywell, Richard
 Sankey, of Denbigh, Charles
 Trafford, of Trafford, John
 Towneley, of Towneley, Peregrine
 Tempest, of Broughton, Stephen
 Turville, of Bosworth, Francis
 Tichborne, of Tichborne, Henry
 Tasburgh, of Burwallis, Michael Ann
 Whitnall, of Liverpool, Peter Mainwaring
 † Weld, of Lulworth Castle, Thomas
 Weld, of Lulworth Castle, Thomas
 Weston, of Sutton Place, John Webbe
 Weston, of Sutton Place, John Webbe, jun.
 Wheble, of Woodley, James
 Wright, of Waltons, Anthony
 Witham, of Durham, Henry Silvertop
 Worswick, of Lancaster, Alexander
 Worswick, of Lancaster, Richard
 Whitgrave, of Moseley, Thomas
 West, of Croppers Hill, Thomas
 Weld, of Pilewell, Joseph
 Weld, of Chideock, Humphrey
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NOTE V.

Short Biographical Memoir of the late Rev. John Chetwode Eustace, from the Gentleman's Magazine, for the month of October 1815.

“RECENTLY died at Naples, of a fever, the Rev. John Chetwode Eustace, the accomplished author of ‘The Classical Tour in Italy.’ Few works of equal magnitude, and on a subject unconnected with the feelings or occurrences of the day, ushered into the world by no patronage, and written by a man till then known to a small circle only of friends, ever experienced so rapid a diffusion, or acquired to the author so sudden and extended reputation. His acquaintance was sought by almost all persons in this country, distinguished by rank and talents; and their expectations of pleasure and profit from his society were more than equalled by the amenity of his manners. Dignified without pride, cheerful without levity, in his intercourse with the world he never for a moment lost sight of his sacred character or its duties, which he fulfilled without ostentatious display or affected concealment. Although his Tour in Italy exhibits not only his extensive acquaintance with classical and polite literature, but his cultivated and refined taste, yet the spirit of Christian morality and Christian benevolence which breathes in every page, is perhaps its most striking feature; and the same gentleness and candour are conspicuous in his controversial writings. His Answer to the Charge of the Bishop of Lincoln is remarkable for strong argument, and for freedom of discussion untinctured by acrimony. His acquirements as a polite scholar, and the elegance of his style, are well known to the numerous readers of his published works. His friends alone know that his poetical talents were of a high order. He had made considerable progress in a Didactic Poem on

the Culture of the Youthful Mind; which diffidence alone had prevented him from finishing, but which, in the opinion of those who had seen it, and who were well qualified to judge of its merits, would have added much to his already high reputation. Amidst his other pursuits, he had deeply studied the English constitution, and none could more warmly admire or strongly feel its excellence. His political sentiments were those of the men designated by the title of Old Whigs; equally abhorrent of the debasement of arbitrary sway, and the wild uncurbed wanderings of democratic fanaticism.

“To the preceding well-drawn character, written on the spur of the occasion by an intimate friend of the excellent man whom it commemorates (himself approved by the public voice as a scholar and an antiquary) we have at present little to add. Mr. Eustace, it is well known, was a member of the Romish Church; but such a member as commanded the respect, and even the affection, of persons of the most discordant religious sentiments. *O si sic omnes!* He would have done honour to the most rational and enlightened system of religious faith.

“In our account of his ‘Classical Tour through Italy,’ some interesting traits of his character and opinions may be discovered. In that tour (which was performed in 1802) he was accompanied by the present Lord Brownlow, Robert Rushbrooke, esq. and Philip Roche, esq. (since deceased.)—In June 1814, he accompanied Lord Carrington in an excursion to Paris; and a short time after appeared his ‘Letter from Paris,’ in which he gave a very interesting description of the French capital, its public buildings, and the works of art collected there, accompanied with critical observations and remarks on the state of society and the moral character of the French people.

“From the specimens of his literary talent already before the public, it is much to be regretted that he had

not commenced author earlier in life. The cause of this is to be attributed partly to the native modesty of his disposition, and, perhaps too, to an unconsciousness of his own powers.

“Two small anonymous publications we are enabled on the best authority to appropriate to his pen. 1. ‘A Political Catechism, adapted to the present moment, 1810,’ 8vo. (pp. 44.) This work is divided into three chapters, treating of government in general, of the government of England, and of the state of parties. It is written in the spirit of a legitimate Whig, and affords a concise but luminous illustration of the principles from which our happiness and prosperity, as a nation, are to be derived.—2. ‘The Proofs of Christianity, 1814,’ 12mo. (pp. 48); compressed within a small compass, and explained in plain easy language, in the interrogatory form. The chief arguments in proof of Christianity are here arranged and examined under twelve heads: Prophecy, Miracles, the preaching and style of the Apostles and Evangelists, the sublimity of the Christian doctrine, the purity of Christian morality, its efficacy in the reformation of mankind, the testimony of the Martyrs, the conversion of mankind, the perpetual duration of the Christian church, the immutability of the Christian doctrine, the accomplishment of the predictions of the Gospel, the fate of the Jews. In this valuable tract technical expressions and controversial allusions are avoided; and it is well calculated, as the pious author intended, to promote the general cause of Christianity.”

I N D E X.

N. B. *The Numerals, i. ii. refer to the Volumes ; and the Figures, to the pages.*

A.

ABBOT (Rt. hon. C.) abstract of the speech of, on the Catholic Question, ii. 255—257.

Abeillard, literary notice of, i. 9, 10.

Act of Uniformity, passed in the reign of Elizabeth, account of, i. 168—170.

Agriculture, obligations of, to the monastic orders, i. 83.

Alcala (University) judgment of, concerning three questions proposed to it, by the king of Spain, in behalf of the English catholics, i. 421—431.

Alien Priories, nature of, i. 95 ; suppressed, 96.

Allegiance, admirable protestation of, presented to queen Elizabeth by thirteen English priests, i. 262—267. Copy of the Oath of Allegiance required by James I. 311—313. His motives in framing this oath, 304—310. Briefs issued against it, by Paul V. 313—318. Review of the controversy respecting the lawfulness of the oath, 319—341. Opinion of several doctors of the Sorbonne in favour of it, 351. And of Bossuet, 352—356. Final division of opinion on the Oath, 356, 357.

Allen (Cardinal) affecting passage of, on the exile of English catholics, i. 240, 241.

Amelioration, gradual, of the condition of the catholics, in the reign of George III. ii. 69—73.

Anabaptists, tenets of, i. 107, 108.

Anglo-Saxon versions of the Bible, notice of, i. 112.

Anne (Queen) state of the catholics during the reign of, ii. 57, 58.

Appeals to the see of Rome, prohibited in England, i. 46.

- Archer* (Rev. James) biographical notice of, ii. 326, 327.
- Architecture*, state of, during the middle ages, i. 3. Particularly in England, 12. Promoted and improved by the monastic orders, 84.
- Arne* (Dr.) an eminent catholic composer, notice of, ii. 341, 342.
- Articles of Religion*:—*Ten*, imposed by Henry VIII. i. 115. Bloody Statute of the *Six Articles*, 116. The *Thirty-nine Articles* enacted in the reign of queen Elizabeth, 166—168.
- Artists* (English catholic) notice of, ii. 338.
- Arts* promoted by the monastic orders, i. 84.
- Augustine* (St.) successful labours of, and of his companions, in converting the Anglo-Saxons to Christianity, i. 4, 5. Canons regular of, 74. Secular canons of, 75. Hermits of, *ibid.*
- Austen* (Mr. John) an English catholic lawyer, notice of, ii. 336.

B.

- Babington's plot* against queen Elizabeth, notice of, i. 255.
- Bacon* (Roger) literary notice of, i. 13, 14.
- Baptists*, notice of, i. 367.
- Barton* (Elizabeth) called the '*Maid of Kent*,' notice of, i. 62, 63.
- Bassani* (Signor) notice of, ii. 343.
- Bellarmino* (Cardinal) reply of, to king James I.'s Apology for the Oath of Allegiance framed by him to be taken by English catholics, i. 321, 322.
- Benedict* (St.) order of, i. 73. Eulogium on it by the Quarterly Review, 88, 89.
- Benefices*, grants of, by the popes, prohibited by act of parliament, i. 46. Roman-catholics disabled from presenting to them, ii. 58.
- Berington's* (Rev. Joseph) historical works, notice of, ii. 335.
- Bible* translated into English by monks, i. 87. Its rarity in the middle ages accounted for, *ibid.* Reading of, how far permitted to the laity by the church of Rome, 109. Anglo-Saxon versions of, 110. English version of, by Wickliffe, *ibid.* By Tyndale, 111. By Coverdale, *ibid.* Cranmer's Great Bible, 112. The Geneva Bible, 173. Bishop's Bible, 174. Douay Bible, 175. Rheinish Bible, *ibid.* ii. 299, 300. Its notes censured by Dr. Troy, 301. Observations on it by Dr. Geddes, 302. Account of Dr. G.'s version of part of the Old Testament, 303—306.
- Bishops*, regulations of Edward VI. respecting the election of, i. 122. And respecting the new admission of actual bishops to their sees, *ibid.* 127. Notice of the Bishop's Bible, 174.

- Blackwell* (Mr.) arch-priest of the English catholics, approves the Oath of Allegiance framed by king James I. i. 320. Account of his examination before the king's commissioners, and his disavowal of the pope's claim of temporal power, 342—349.
- Board* (roman-catholic) formation of, ii. 199. 202. Its proceedings, 203. List of its actual members, 498—505.
- Bocken* (Joan) put to death for heresy, in the reign of Edward VI. i. 130, 131.
- Booth* (Mr.) an eminent catholic lawyer, notice of, ii. 337.
- Bossuet*, opinion of, relative to the abuses of the Roman see, i. 42. His sentiments on the re-union of the catholic and protestant churches, ii. 243, 244. And on the Oath of Allegiance prescribed by James I. i. 352—356.
- Burke* (Mr.) observations of, on the treatment of roman-catholics, in the reign of William III. ii. 66—68; and of George I. 69.
- Burke's* (Father) *Hibernia Dominicana*, notice of, ii. 424, 425, notes.
- Butler* (Mr. Alban) biographical notice of, ii. 322, 323.
- Butler* (Mr. Charles) appointed secretary to the catholic committee, ii. 101. Prepares a bill for repealing the laws against the roman-catholics, 110. His address, in 1813, to the protestants of the British empire, 217—245. His address to them, in 1817, 272—278.

C.

- Calvin*, notice of the religious system of, i. 106. It obtained partially in England, at the accession of Elizabeth, 149, 150.
- Camden* (Lord) advocated the catholic cause, ii. 72, 73.
- Campion* (Father) account of the trial and execution of, i. 184—191.
- Canons Regular*, of St. Augustine, notice of, i. 74.
- Carmelites*, order of, i. 75.
- Caroline* (Queen) generous conduct of, to a catholic lady, ii. 65.
- Castlereagh* (Lord) negotiations between, and the roman-catholic prelates of Ireland, relative to the Veto, ii. 145—150. His account of the degree of negative power in the appointment of Irish roman-catholic prelates, which it was proposed in these negotiations to concede to the sovereign, 157—166.
- Catholic Committee*, formation of, ii. 100, 101. Their interview with Mr. Pitt, 106, 107. Proceedings with regard to the Protestation, 113—118. And the oath recommended in consequence, 119—124. Vindicate their conduct, 125—127. Proceedings relative to their intended deputation of the Rev.

- Mr. Hussey to Rome, 128—132. Direct the protestation to be deposited in the British Museum, 136—138.
- Catholics*. See *Irish Catholics*; *Roman Catholics* (English); and *Scottish Catholics*.
- Celibacy* of the monastic orders, beneficial to the state, i. 84.
- Challoner* (Dr.) notice of, ii. 318, 319.
- Charitable Establishments* of English catholics for the education of the poor, ii. 295—298.
- Charles I.* sufferings of the roman-catholics during the reign of, ii. 1—14. Their loyalty to him, 15. Persecutions of the catholics and puritans in his reign, i. 381, 382. State of the Irish catholics during his reign, ii. 362—384.
- Charles II.* conduct of, towards the English roman-catholics, ii. 27—31. And those in Ireland, 385, 386. Their oppressed situation during his reign, 31—47. Particularly in Ireland, 390—393. Their remonstrance to him, and proceedings connected with it, 393, 394.
- Chauntries*, suppressed in the reign of Edward VI. i. 127, 128. Estates of, wantonly squandered, 128, 129.
- Christianity*, planted among the Saxons, by St. Augustine and his companions, i. 4, 5. State of, during the Danish conquest, 5; and the Norman conquest, 6.
- Church of England*, points in difference between, and the puritans, i. 362—366.
- Clarke* (Dr. Samuel) conference of, with Dr. Hawarden, on the Trinity, ii. 316, 317.
- Clement VII.* (Pope) pronounces Henry VIII.'s marriage with the princess Katharine to be valid, i. 32—34.
- Clement VIII.* (Pope) history of two briefs of, i. 269—275.
- Clergy* of the English catholic church, account of, ii. 279—289.
- Colleges*, suppressed in the reign of Edward VI. account of, i. 127, 128. Their estates confiscated and squandered by the courtiers, 129. Notice of roman-catholic colleges now in England, ii. 297.
- Common Prayer-book*, as reformed in the reign of Edward VI. account of, i. 126, 127. Notices of its revisals in the reigns of Elizabeth, James I. and Charles II. 165, 166.
- Confederacy* of the Irish catholics in 1642, account of, ii. 372, 375. Interference of the papal nuntio with the confederates, 375, 384.
- Conference* at Hampton Court, account of, i. 372, 373.
- Confiscations* of Irish catholic property by James I. accounts of, ii. 360—363, and in the reign of Charles I. 366. By Cromwell, 388, 389. Settlement of the confiscated property, at the Restoration, 390—393. Confiscation of Irish property, at the Revolution in 1688, 430—434.

- Conformity*, Act of, i. 375.
Corodies, nature of, i. 77.
Coronation Oath, objection arising from, to catholic emancipation, considered, ii. 206—208.
Corporation Act, notice of, ii. 45, 46.
Coverdale's version of the Bible, notice of, i. 111.
Cranmer (Archbishop) his edition of the Bible, i. 112. Review of his conduct, 139, 140. Put to death for heresy, 141.
Crashaw, a roman-catholic poet, ii. 330.
Cressey (Hugh Paulin) a roman-catholic divine, account of, ii. 309—311.
Cromwell (Thomas) proceedings of, in the dissolution of the monasteries, i. 97, 98. His confiscations of the property of Irish catholics, ii. 388, 389.

D.

- '*Defender of the Faith*,' title of, conferred on Henry VIII. i. 24.
Defesch (Mr.) an eminent catholic musician, notice of, ii. 343.
Deposing Power of the Popes, maintained by some missionary priests, i. 201—206. Unsatisfactory answers of the priests to the six questions on the pope's deposing power, proposed to them by the commissioners of queen Elizabeth, 208—236. This tenet, disclaimed by the *present* English catholics, ii. 230.
Disabilities of catholics enumerated, ii. 102, 103. 219—222. 272, 273.
Dissolution of monasteries, account of, i. 89—101.
Divorce of Henry VIII. from the princess Katharine, history of, i. 27—34.
Doctrines of the English roman-catholics, in reference to God and the King, summary of, i. 391—402.
Dodd (Mr.) a catholic historian, character of, and of his work, ii. 330—332.
Dominican Order, notice of, i. 75.
Douay (university) answers of, to the three questions proposed by English catholics, i. 408—411.
Douay Bible, notice of, i. 175.
Dryden, a roman-catholic, ii. 329.
Duane (Mr.) an eminent catholic lawyer, notice of, ii. 338.

E.

- Edward I.* (King) resisted the papal encroachments, i. 43—45.

- Edward VI.* accession of, to the throne of England, i. 121. Regulations of, for the election of bishops, and for the admission of actual bishops to their sees, 122. New visitation of the kingdom ordered by his regents, 123. Book of Homilies ordered to be read, 124. Forty-two articles of religion, 125. Book of Common Prayer issued by his command, 126. Suppression of colleges and other religious establishments, in his reign, 127—129. Religious persecutions in his reign, 130, 131.
- Elizabeth* (Queen) accession of, to the throne of England, i. 142. Is proclaimed queen, 143. Her progress to London, *ibid.* Ceremonial of her coronation, 144, 145. Prefers the protestant party, 150. Notifies her succession to pope Paul IV. 151. Conciliatory proceedings of Pius IV. towards her, 152. The queen declared head of the church of England, 154. The nature and extent of her supremacy considered, 157—164. Principal ecclesiastical arrangements in her reign, 165—174. Account of the persecutions of the catholics during her reign, 176—191. Consideration of the reasons assigned to justify the sanguinary laws enacted by her against catholics, and the rigorous execution of them, 192—245. Alleged plots of the catholics against her, 246—261. Protestation of allegiance presented to her by thirteen priests, 262—267. Her treatment of the Irish catholics, ii. 353—359. And persecution of the puritans, i. 377, 378.
- Eloy* or *Eligius* (St.) misrepresentation of, by Dr. Robertson, i. 79, 80. His real statement of the religious doctrine of the middle ages, 81, 82.
- Emancipation* (catholic) objection to, from the coronation oath, considered, ii. 206—208.
- England*, state of letters and the arts in, during the middle ages, i. 11—14. The papal encroachments successfully resisted in that country, by the kings and parliament, 43—48.
- English nation*, divided into a catholic and protestant party, i. 146.
- Eustace* (Rev. John Chetwode) biographical memoir of, ii. 506—508.

F.

- Faith* of the roman-catholics, summary of, i. 393—402.
- Fire* of London, notice of, ii. 31.
- Fisher* (Bishop) speech of, on the suppression of the lesser monasteries, i. 58, 59. Biographical notice of him, 61, 62. How far implicated in the practices of the 'Maid of Kent,' i. 62, 63. Executed for denying the king's supremacy, 64.

- Fletcher* (Rev. John) notice of the sermons of, ii. 327.
Folard (Chevalier) extraordinary prediction by, of the French revolution, i. 18, *note*.
Fox (Mr.) noble sentiments of, with respect to the roman-catholics, ii. 205, 206. His generous behaviour to them, 208.
France, state of literature and the arts in, during the middle ages, i. 8—11.
Franciscan Friars, account of, i. 75.

G.

- Gallican Church*, rejection by, of the pope's deposing power, i. 358, 359.
Gardiner (Bishop) anecdotes of, i. 137, 138.
Garnet (Father) account of the trial and execution of, i. 288—294, *notes*.
Geddes (Rev. Dr.) observations of, on the Rheinish Bible, ii. 302. Account of his biblical labours, 303—306. Epitaph on him, 307.
Genevan Bible, notice of, i. 173, 174.
George I. and II. state of the catholics during the reign of, ii. 58—63.
George III. state of the catholics at the accession of, ii. 71—73. Copy of their petition to him in 1778, 74—76. Parliamentary proceedings on the act of 18 Geo. III. 77—81. Its legal operation considered, 81, 82.
Gerbert (afterwards Pope Sylvester II.) eminent literary attainments of, i. 7, 8.
Godfrey (Sir Edmondbury) notice of the murder of, ii. 34, 35.
Goodman (Mr. Thomas) condemned to death merely for being a priest, ii. 5. Attempts of Charles I. to pardon him, opposed by the parliament, 8—11. Magnanimous petition of Mr. G. 11, 12. Dies in prison, 12.
Gordon (Lord George) account of the conduct of, in 1780, ii. 86—97.
Gother (Mr. John) a catholic divine, notice of, ii. 311, 312.
Grattan (Mr.) parliamentary services of, to the roman-catholics, in 1808, 1810, and 1812, ii. 213—215. His unsuccessful labours in 1813, 255—267.
Green (Mr.) cruel execution of, for discharging his priestly office, ii. 4—11, *notes*.
Gregorian Chant, account of, ii. 344—347.
Gregory XIII. (Pope) renews the bull of Pius V. against Elizabeth, i. 196.

Grenville (Lord) conduct of, and of his administration, towards the catholics, ii. 208—213.

Grey (Lady Jane) proclaimed queen, i. 132. Dethroned and put to death, *ibid.*

Gunpowder Conspiracy, principal circumstances of, i. 278—295. Inquiry whether it can be justly charged upon the general body of the catholics, 295—302.

H.

Hamilton (Mr.) a roman-catholic poet, notice of, ii. 330.

Hampton Court, conference at, i. 373.

Hardinge (Dr.) a roman-catholic divine, notice of, ii. 299.

Hawarden (Dr.) an English catholic divine, notice of, ii. 315—318. Account of his conference with Dr. Samuel Clarke, 316, 317.

Henry II. (King) literary acquirements of, i. 12. Refused to do the pope homage for his crown, 43. State of the Irish between his reign and that of Hen. VIII. ii. 352, 353.

Henry VIII. literary acquirements of, i. 22. His controversy with Luther, 23—27. Receives from Leo X. the title of 'Defender of the Faith,' 24. Principal events in the history of his divorce from the princess Katharine of Spain, 28, 29. The lawfulness of that marriage considered, 30, 31. Its validity pronounced by pope Clement VII. 32—34. Henry's divorce ratified, and his marriage with Anne Boleyn confirmed by act of parliament, 34. His arbitrary treatment of Wolsey and the English clergy, 52, 53. Measures taken to prepare the public mind for his assumption of ecclesiastical supremacy, 53—59. Declared head of the church by act of parliament, 59, 60. Causes bishop Fisher and sir Thomas More to be condemned and executed, 64—70. And also several other persons, 70—72. Revenues of the dissolved monasteries, granted to him, 99. Excommunicated by pope Paul III. 102—104. Ecclesiastical regulations of Henry relative to the reading of the Bible, 113. And respecting the faith and devotion of his subjects, 114—116. Persecutes those who opposed his faith or doctrine, 117. His death, 119. Genealogical account of his descendants, till the accession of the Stuart family, 120, 121. State of the Irish catholics during his reign, ii. 354.

Hermits of St. Augustine, notice of, i. 75.

High Commission Court, powers of, i. 369. Account of its arbitrary proceedings, 370—372.

Hippesley (sir John Cox) speech of, in parliament, proposing the veto, ii. 166—171. Its approval by the Irish prelates, 171, 172. Votes against the roman-catholics in 1813, 261, 262.

- Historians* (English catholic) account of, ii. 330—336.
Holden (Dr. Henry) an English catholic divine, notice of, ii. 312, 313.
Hollywood (John) literary notice of, i. 14.
Homilies (Book of) notice of, i. 124.
Hooke (Messrs.) notice of, ii. 333.
Hospitality of the monastic orders, i. 78.
Hospitals, number of, suppressed in the reign of Edward VI. i. 127. Estates of, wantonly squandered, 128, 129.
Hume (Mr.) on the character and genius of cardinal Wolsey, i. 50.
Hussey (rev. Thomas, afterwards bishop) proceedings relative to the intended deputation of to Rome, ii. 128—132. Biographical notice of, 322—324.

I.

- Ignorance* of the middle ages, probable exaggeration of, i. 2.
Independents, notice of, i. 366.
Innocent X. (Pope) attempt of the roman-catholics of England to obtain his sanction to a new oath of allegiance, ii. 16—20.
‘*Institution of a Christian man*,’ notice of, i. 115.
Insurrection of the earls of Northumberland and Westmoreland, against queen Elizabeth, i. 247.
Irish brigade, account of, ii. 434, 435.
Irish Roman-catholics, historical minutes respecting, ii. 348. Remarks on their state before the reign of Henry II. 349—352. And on their state between the reigns of Henry II. and Henry VIII. 352, 353. State of them in the reigns of Henry VIII. Edward VI. queen Mary, and queen Elizabeth, 354—359. Under James I. 359—366. The massacre in 1641, 366—372. Confederacy of the Irish catholics in 1642, 372—375. Interference of the pope’s nuntio in the proceedings of the confederates, 375—386. Oppressions of the Irish catholics in 1652, 387. Confiscations of Irish property made by Cromwell, 388, 389. Settlement of the confiscated property, at the restoration, 390—393. Remonstrance of the Irish catholics, presented to Charles II. in 1661, 393—418. Confiscation of Irish property at the revolution in 1688, 430—434.
Irish Catholics, brief summary of the laws against, ii. 140, 141; and of the statutes passed for their relief, 142. Their present state, 143, 144. Negotiations between Lord Castle-reagh and the catholic prelates of Ireland, respecting the

veto, 145—150. Resolutions of the Irish prelates, in 1799, *in favour* of the veto, 150—152. The allegation considered that they were intimidated into the resolutions of 1799, 153, 154. Offer made to them by government, and their acceptance, of a state provision, 155—157. Degree of negative power, in the appointment of Irish prelates to their sees, which in these negotiations government proposed to be conceded to the sovereign, 157—166. Parliamentary proceedings relative to the veto, 166—183. Opposition in Ireland to it, 183, 184. It is advocated by Dr. Milner, 184—188. Declaration of the Irish prelates that it was inexpedient, 189, 190. Address to them by pope Pius VII. on the subject of the veto, 486—498.

J.

Jacobinism, existence of, previously to the reformation, i. 17.

James I. disposition of towards the English catholics at the time of his accession, i. 276, 277. His subsequent severities against them, 277, 278. Account of the gunpowder conspiracy against the king and parliament, 278—295. Inquiry whether the guilt of it was chargeable on the English catholics, 295—302. Motives of James I. in framing the oath of allegiance to be taken by the English catholics, 304—310. Copy of that oath, 311—313. Briefs issued against it by pope Paul V. 313—318. Review of the controversy respecting the oath, 319. The king's apology for it, 321. Replies to it by cardinal Bellarmine, *ibid.* 322. And by Father Parsons, 323—340. King James's præmonition, 340, 341. His conduct at the conference at Hampton Court, 373. And persecution of the puritans, 378—380. State of the Irish catholics during this king's reign, ii. 359—366.

James II. remarks on the reign of, ii. 47—51.

John (St.) of Jerusalem, account of the military order of, i. 76.

Justinian, institutes of, when discovered, i. 11.

K.

Katharine (Princess) married to prince Arthur, i. 28. And on his decease, to king Henry VIII. 29. Principal events in the history of her divorce from him, 29. The lawfulness of her marriage with him considered, 30—32. It is pronounced valid by pope Clement VII. 32—34. Her divorce from Henry ratified by an act of the English parliament, 34.

Knights, of St. John of Jerusalem, account of, i. 76.

Knights Templars, notice of the order of, i. 76. Account of its suppression, 90—95.

L.

Lambert (Mr.) put to death by Henry VIII. for denying the doctrine of transubstantiation, ii. 117—119.

Laud (Archbishop) tyrannical and cruel conduct of, towards the puritans, i. 381, 382.

Lawyers (English catholic) notice of, ii. 338, 339.

Learning, state of, in the eleventh century, i. 7. In the twelfth century, 8. In the thirteenth century, 10. Particularly in England, 11—15. Was highly cultivated in the monasteries, 85—87. Injury sustained by learning, on their dissolution, 101. State of learning in Ireland, during the dark ages, ii. 350, 351.

Leighton (Dr.) cruel treatment of, i. 382.

Leo X. (Pope) confers the title of 'Defender of the Faith,' on Henry VIII. i. 24.

Lingard's (Mr.) historical works, notice of, ii. 335.

Litta (Cardinal) letter of, on the veto, ii. 198. 481—485.

Liturgies, antiquity of, i. 125. Of the middle ages, 126. Account of the liturgy as reformed in the reign of Edward VI. 126, 127.

London, fire of, ii. 31. Account of the riots at, in 1780, 86—97.

Long Parliament, sufferings of the roman-catholics under, ii. 20—24. Specimens of its intolerance, i. 383—385.

Louvain (university of) answers by, to the three questions proposed by Mr. Pitt, in regard to certain principles supposed to be held by English roman-catholics, i. 402—408.

Loyalty of the roman-catholics to Charles I. ii. 15, 16.

Luther (Martin) account of, i. 19—21. His doctrine concerning the sacraments, 21. His controversy with king Henry VIII. 23. Bibliographical notice of tracts concerning it, 26, 27. Specimen of his scurrilous Latinity, 24, 25. His correspondence with that monarch, 25, 26. The seeds of the Reformation, Lutheran, 148.

Lutheran system, notice of, i. 105.

M.

Mansfield (Lord) advocated the catholic cause, ii. 71, 72.

- Mary I.* (Queen) accession of, to the throne of England, i. 132.
Restores the catholic religion, and reconciles her kingdom to the see of Rome, 133—136. Persecution of the protestants in her reign, 137—141.
- Massacre* in Ireland, in 1641, account of, i. 366—372.
- Mathewe's Bible*, notice of, i. 112.
- Memorial* of the catholics, addressed to Mr. Pitt, ii. 102—105.
- Mendicant orders*, account of, i. 75.
- Middle Ages*, ignorance of, probably exaggerated, i. 2. As also their superstition, 4. State of literature during this period, 6—15.
- Military Orders*, notice of, i. 76.
- Milner* (Rev. Dr.) suggests the proposal of the veto in parliament, ii. 173—181. Advocates the veto, from the press, 184—188. But accedes to the declaration of the Irish prelates, that the measure was inexpedient, 190. Character of his historical works, 332—335.
- Molay* (Jacques de) grand master of the Knights Templars, cruel sufferings of, i. 94, 95.
- Monasteries*, advantages resulting from, i. 77—89. Account of their dissolution, 89—100. Injury caused by it to learning, 101.
- Monastic Institution*, origin of, i. 73.
- Monastic Orders*, account of, i. 73. Order of St. Benedict, *ibid.* Of the canons regular of St. Augustine, 74. Franciscans, 75. Dominicans, Carmelites, and Hermits of St. Augustine, *ibid.* Knights of St. John of Jerusalem, 76. Knights Templars, *ibid.* Advantages resulting from these orders, 77—89.
- Money* prohibited to be carried out of England by religious men, by act of parliament, i. 46.
- More* (Sir Thomas) biographical notice of, i. 64—68. Tried, condemned and executed, for denying the supremacy of Henry VIII. 69, 70.
- Music* (sacred, of the English catholic church,) account of, ii. 341—347.

N.

- Netherlands*, state of the arts in, during the middle ages, i. 10.
- New Testament*, catholic versions of, i. 175.
- Northumberland* (Earl of) insurrection of, against queen Elizabeth, i. 247.

O.

- Oates's Plot*, account of, ii. 32—34. And of those who were to death under charges of being implicated in it, 35—44.

Oath of Supremacy, passed in the first year of queen Elizabeth, i. 156. How far roman-catholics could conscientiously take it, considered, 162—164. Copy of the oath prescribed by the 18 Geo. III. ii. 83—85.

O'Leary (Father) biographical notice of, ii. 323, 324.

Orders, religious, account of, i. 73—76. Advantages resulting from them, 77—89.

Ormond (Marquis of) enriched by confiscations of Irish property, ii. 359. Negotiations of the Irish confederates with him, 377. His negotiations with the covenanters, and departure from Ireland, 382. Returns to Ireland in 1649, 382. Duplicity of his conduct towards the Irish catholics, 385. Again quits Ireland, 386. Permits the congregation of the catholic clergy to be held at Dublin, 405. Their petition to him, 413. His liberality to father Walsh, 424—426. Interesting interview of Walsh, with the duke, 427, 428.

P.

Pandects, discovery of, i. 11.

Paris (University) answers of, to the three questions proposed by the English catholics, i. 411—421.

Parliament of England, resist the papal encroachments, i. 46—48. Roman catholic peers excluded from, ii. 46, 47.

Parry (Dr.) project of, for assassinating queen Elizabeth, i. 249—254.

Parsons (Father) accurate statement by, of the limits of temporal and spiritual power, ii. 307, 308. Character of him as a writer, i. 323, 324. Extracts from his reply to James the first's apology for the oath of allegiance, 326—340.

Pattenson (Dr.) a catholic historian, notice of, ii. 332.

Paul III. (Pope) excommunicates Henry VIII. i. 103.

Paul IV. (Pope) character of, i. 151. His conduct towards queen Elizabeth, *ibid.* 152.

Paul V. (Pope) briefs of, against the oath of allegiance, framed by king James I. i. 313—318. Petitions to him by English catholics for an explanation of the briefs, 350, 351.

Peers (Roman-catholic) list of, who were summoned to parliament in the third year of king James I. i. 296—298, *notes*. Disabled from sitting and voting in the house of lords, ii. 46, 47.

Persecution of those who opposed the faith or doctrine of Henry VIII. i. 117—119. Of the protestants for heresy, during the reign of queen Mary, 136—141. Account of those suffered, and inflicted by the puritans, 376—385. Persecution

- of the English roman-catholics in the reign of Elizabeth, 176. Sanguinary laws enacted against them, 176, 177. Probable number of sufferers under those laws, 177—179. Torture inflicted on roman-catholics, 180. Especially priests, ii. 340, 341. The reasons assigned to justify these persecutions, i. 192—245. Persecution of catholics, especially priests, in the reign of Charles I. ii. 4—14. From the beginning of the Long Parliament, 20—26. During the reign of Charles II. 27—47. Of William III. 52—58. Of George I. 58—61. Of George II. 61, 63. Persecution of the Irish roman-catholics in the time of Cromwell and Charles II. ii. 387—393.
- Petition*, noble, to Charles I. of a catholic priest, ii. 11, 12. Of the English roman-catholics to George III. in 1778, 74—76. And to both houses of parliament in 1810, 246—251. Of the Irish catholic clergy to Charles II. 397—400. And to the duke of Ormond, 410, 411.
- Petre* (Rt. hon. lord) biographical notice of, ii. 199—201.
- Phillips's* life of cardinal Pole, character of, ii. 333.
- Piggott* (Mr.) an eminent catholic lawyer, notice of, ii. 337.
- Pitt* (Mr.) memorial of the catholics to, ii. 102—105. His interview with, and suggestions to their committee, 106, 107.
- Pius IV.* (Pope) conciliatory conduct of, towards queen Elizabeth, i. 152, 153.
- Pius V.* (Pope) bull of, against queen Elizabeth, i. 194, 195. Renewed by Gregory XIII. 196. And Sixtus V. 197. These bulls no justification of the sanguinary laws against catholics, 199. The activity of some English priests, in giving effect to these bulls, a cause of the persecution of roman-catholics, 201—206.
- Pius VII.* (Pope) letters of, to the English catholics, ii. 197—199. 291—293. Their address to him, 473—479. His reply, 479, 480. Letter of this pope to the catholic prelates of Ireland, on the subject of the veto, 486—498.
- Plowden's* (Mr.) Historical Review of the State of Ireland, notice of, ii. 335, 336.
- Poets* (Roman-catholic) notice of, ii. 328—330.
- Pole* (Cardinal) absolves the people of England from their schism, in separating from the see of Rome, i. 134, 135. His humane advice to the clergy, 137.
- Poor* maintained by the religious orders, i. 78. Establishments of English roman-catholics for the education of, ii. 295—299.
- Pope* (Alexander) a catholic, ii. 329.
- Popes*, first success and subsequent decline of the claims of, to

- temporal power, i. 35—38. Remarks on such claims, 193. Doctrine of the roman-catholics relative to their spiritual supremacy, 38—41, *notes*. Their occasional abuses of their spiritual power, 39—43. Occasional resistance of the kings of England to the papal encroachments, 43—45. Legislative acts against them, in England, 45—48. Return of the English nation to communion with the see of Rome, in the reign of Mary, 133—136. The doctrine of their deposing power, completely rejected by the declaration of the Gallican church, in 1682, 358—360.
- Poynter* (Rt. Rev. Dr.) address of the English catholics to pope Pius VII. in behalf of, ii. 289—291. His reply to them, 291—233. Letters to him, by monsignor Quarantotti, 467—472. By cardinal Litta, 481—485.
- Præmunire*, statutes of, i. 47. Import of the term, 48.
- Prelacy* of the English catholic church, account of, ii. 279—289.
- Presbyterians*, account of the persecutions suffered and inflicted by, i. 376—385.
- Priests*, number of, who suffered for religion, in the reign of Elizabeth, i. 178, 179. Unsatisfactory answers of some of them to six questions on the pope's deposing power, 208—236. Refutation of the erroneous assertion that they suffered, not for religion, but for actual commission of high treason, 243—246.
- Primer* of Henry VIII. notice of, i. 114.
- Principles* erroneously ascribed to catholics, ii. 230—240.
- Protestation* of allegiance presented to queen Elizabeth by thirteen English catholic priests, i. 262—267.
- Protestants*, proportion of, in England, at the accession of queen Elizabeth, i. 147. Subdivided into Lutherans, 147; Zuinglians, 148; and Calvinists, 149.
- Provisors*, statutes of, i. 47.
- Protestation* of the roman-catholics of England, in 1788, ii. 113—118. Deposited in the British Museum, 130—132.
- Puritans*, origin of, i. 361. Principal points of difference between them and the church of England, 362. Division of them into presbyterians, independents, and baptists, 366, 367. Operation of the Act of Uniformity on them, 368. Tyrannical conduct of the court of high commission, 369—372. Conference at Hampton Court, between the puritans and certain commissioners appointed by king James I. 372, 373. Their legal establishment by the Long Parliament, 374. Operation of the Act of Conformity, 375. And of the Act of Toleration, 376. Account of the persecutions suffered and inflicted by them, 377—385.

Pursuivants, oppressive conduct of, in the reign of Charles I.
ii. 13, 14.

Q.

Quarantotti (Monsignor) letter of, on the veto, ii. 196. 467—472.

R.

Recusancy, statutes of, enacted in the reign of Elizabeth, account of, i. 170—172.

Reformation, preliminaries of, i. 16—18. Its commencement, 18—21. Progress of it, during the reign of Henry VIII. 53—119. During the reign of Edward VI. 122—130; and of Elizabeth, 165—170.

Religion, state of, in England during the middle ages, i. 4—6. Misrepresented by Dr. Robertson, 79. Described, 82. General state of, prior to the reformation, 15—18.

Religious Establishments of the English catholics in foreign countries, account of, ii. 293—295. And in England, for the instruction of the poor, 295—298.

Remonstrance of the Irish catholic clergy, to Charles II. 397—400. Opposition made to it, 401, 402. It is denounced by the university of Louvain, 404. Further proceedings of the Irish clergy, in consequence of it, 405—421.

Reunion of protestants and catholics, project for, ii. 240—244.

Revolution in France, extraordinary prediction of, i. 18, *note*.

Rheimish Version of the New Testament, account of i. 175. ii. 299, 300. Its notes censured by Dr. Troy, 300, 301. Dr. Geddes's observations on it, 302.

Rinuccini, the papal nuntio in Ireland, account of the conduct of, ii. 375—384. The excommunication denounced by him, taken off, 423, 424, *note*.

Riots at London, in 1780, account of, ii. 86—97. At Edinburgh, 449—457. And at Glasgow, 457, 458.

Robertson (Dr.) misrepresentations of, on the state of religion in the middle ages, i. 79, 80. Corrected, 81, 82.

Roe (Mr.) a priest, death of, ii. 13.

Roman-catholic-clergy, successful labours of, in converting the Anglo-Saxons, i. 4. Their pious labours during the Norman conquest, 6.

Roman Catholics of England, universal doctrine of, relative to the supremacy of the pope, i. 38, *note*. Difference between the transalpine and cisalpine doctrines on his spiritual and temporal power, 39—41, *notes*. The greater part of the English nation roman-catholics, at the accession of queen Elizabeth, 146, 147. How far they could conscientiously take the oath

of supremacy to her, 162—164. Statutes of recusancy against them, 170—172. Their persecution in the reign of Elizabeth, 176. Sanguinary laws enacted against them, *ibid.* 177. Probable amount of those who suffered death under these laws, 177—179. Torture inflicted upon roman-catholics, 180—184. Account of their *alleged* plots against queen Elizabeth, 246—261. Protestation of allegiance presented to her by thirteen priests, 262—269. Disposition of James I. towards the English catholics, at his accession to the throne, 275—278. Inquiry, whether the gunpowder plot can be justly charged on the general body of the catholics, 295—302.

State of roman-catholics during the reign of Charles I. ii. 1—12. Their loyalty to him, 13. They attempt to obtain the pope's sanction to a new declaration of allegiance, 14—20. Their sufferings, during the usurpation, from the beginning of the Long Parliament, 20—26. Their attempts, after the restoration, to obtain a repeal of the penal laws, 27—31. The fire of London ascribed to them, 31. Account of the plot, falsely charged against them by Oates, 32—44. Disabilities imposed upon them by the corporation and test acts, 45, 46. Roman-catholic peers excluded from parliament, 46, 47. Condition of the roman-catholics during the reigns of James II. 47—51. Of William III. 52—56. Of queen Anne, 57. Of George I. 58—61. Of George II. 61—63. Their general condition from the revolution to the accession of George III. 63—69. Its gradual amelioration, 69—71. Account of the passing of the act of 18 Geo. III. for the relief of the English catholics, 72—81. Its legal operation considered, 81, 82. Oath prescribed to them, 82—85. Their sufferings during the riots in 1780, 86—99. Account of the passing of the act in 1791 for their relief, 100—135. Their protestation, 113—122. Deposited in the British Museum, 136—138. Conciliatory resolution of the English catholics relative to the veto, 191—196. General hopes of relief entertained by them, at the time of Mr. Fox's accession to the ministry in 1806, 205. Objection to their emancipation, from the coronation oath, 206. The conduct of lord Grenville's administration towards the catholics, 208. Attempts of the catholics for relief in the years 1808, 1810 and 1812, 213—216. Their petition to parliament in 1810, 246—251. Proceedings relative to the bill for their relief in 1813, 253—268. Account of the act passed in 1817 for regulating the administration of oaths in certain cases to naval and military officers, 268—271. Account of the English catholic church and its charitable institutions since the reformation, 279—298. Outline of their literary history since the reformation, 298. Their theologians, *ibid.* 299—

328. Poets, 328—330. Historians, 330—336. Lawyers, 338, 339. Sacred music, 341—347.
- “*Roman-catholic Principles*, in reference to God and the King,” notice of the editions of this tract, and by whom written, i. 391—393. Of the catholic faith and church in general, 393—395. Of spiritual and temporal authority, 395—398. Other points of catholic faith, 398—402.
- Rookwood* (Mr. Edward) hospitable entertainment of queen Elizabeth by, i. 251, *note*. Harsh and unjust treatment of this gentleman, 252, 253, *notes*.

S.

- St. Augustine*. See *Augustine*.
- St. Eloy*. See *Eloy*.
- St. John*. See *John*.
- St. Thomas*. See *Thomas*.
- Sacraments*, doctrine of the church of Rome concerning, i. 21.
- Salamanca* (University) determination of, relative to certain questions, proposed to their consideration by the English catholics, i. 434—445.
- Schisms* in the church of Rome during part of the fourteenth and fifteenth centuries, i. 37.
- Schools*, the best, antiently found in monasteries, i. 78.
- Scottish Catholics*, historical minutes respecting, since the reformation, ii. 436. Introduction of calvinism into Scotland, and the subsequent variations of the religious discipline of the church of that country, 438—440. Condition of the Scottish catholics, subsequent to the reformation, 440—446. Liberal sentiments of the general assembly of the church of Scotland towards the Scottish catholics, 447, 448. Riots at Edinburgh in 1780, 449—457. And at Glasgow, 457, 458. Act passed in 1793, for relief of the Scottish catholics, 459—465. Remarks on its preamble, 465, 466.
- Shakspeare*, a roman-catholic, ii. 328, 329.
- Sixtus V.* (Pope) renews the bull of Pius V. against Elizabeth, i. 197.
- Somerville*, plot of, against queen Elizabeth, i. 254, 255.
- Sorbonne* (University) opinion of several doctors of, in favour of the oath of allegiance, required by James I. to be taken by English roman-catholics, i. 351, 352.
- Southwell* (Rev. Father) account of, ii. 339—341.
- Southworth* (Rev. Mr.) death of, ii. 24—26.

Spiritual power of the popes, doctrines of the roman-catholics concerning, i. 38—41, *notes*. Was occasionally abused by them, 39—42. Was occasionally resisted by the kings of England, 43—45; and resisted or restrained by various acts of the English parliament, 45—48.

Stafford (Viscount) account of the trial and execution of, ii. 38—44. Steps taken for reversing his attainder, 346, 347, *notes*.

Superstition of the middle ages, probably exaggerated, i. 4—6.

Supremacy (ecclesiastical) conferred on Henry VIII. by act of parliament, i. 59, 60. Bishop Fisher, and sir Thomas More, condemned and executed for denying it, 64—70. Other executions for denying it, 70—72. Supremacy conferred on queen Elizabeth, 154. The Oath of Supremacy, 156. Inquiry into the nature and extent of the spiritual supremacy of Elizabeth, 157—164.

Supremacy of the pope, universal doctrine of the roman-catholics concerning, i. 38, *note*. Difference between the transalpine and cisalpine doctrines, on his temporal and spiritual power, 39—41.

T.

Taylor (bishop) the advocate of religious toleration, i. 387—389.

Temporal power of the popes, successful claims to, and subsequent decline of, i. 35—38. Cardinal Bellarmine's view of it, 322.

Ten articles of faith, enacted by Henry VIII. i. 115.

Test Act, account of, ii. 46.

Theologians (English catholic) account of, ii. 298—328.

Thomas (St.) of Canterbury, notice of, i. 13.

Throckmorton (Francis) account of the alleged treason of, against queen Elizabeth, i. 247—249.

Throckmorton (sir John) tribute to the memory of, ii. 201, 202.

Toleration opposed in Ireland, by archbishop Usher, i. 386. And advocated in England, by bishop Jeremy Taylor, 387—389.

Toleration Act, notice of, i. 376.

Tortures, horrid, inflicted on the Knights Templars, i. 91, 92, 94, 95. The roman-catholics tortured in the reign of queen Elizabeth, 180, 181. Specious defence of it by her ministers, 181—183, *notes*. Father Campion tortured, 186.

Troy (Right. Rev. Dr.) censures the notes of the Rheimish version of the Bible, ii. 300, 301.

Tyndale's version of the Bible, notice of, i. 111.

Tyrone, rebellion of, never legally proved, ii. 360.

U.

Uniformity, act of, i. 168. 170. 368.

Universities (foreign) queries propounded to, by order of Mr. Pitt, on the power of the popes, ii. 107. Their answers, 108. i. 402—445.

Usher (Archbishop) intolerance of, towards catholics, i. 386.

Usher (Mr. James) an English catholic divine, notice of, ii. 320, 321.

Usurpation, oppressions of the catholics during, ii. 15—26.

V.

Valladolid (university) decision of, concerning three questions proposed to it, by the English catholics, i. 431—433.

Veto, origin of, ii. 145. Negotiations between lord Castlereagh and the Irish prelates respecting it, 145—150. Resolutions of the prelates in favour of it, in 1799, 150—153. On the degree of negative power in the appointment of Irish prelates, which the veto would give to the sovereign, 157—166. First mention of the veto in the British house of commons, [in 1805, by sir John Cox Hhipisley, 166—171. Approbation of it by the Irish prelates, 171. Proposal of the veto in the houses of commons and of lords, at the suggestion of bishop Milner, 173—181. Continued adherence of the Irish prelates to their resolution in favour of the veto until their meeting in September 1808, 182. Opposition in Ireland to the veto, 183. It is advocated by Dr. Milner, 184—188. Declaration of the Irish prelates that it was inexpedient, 189. Explanation of that declaration by Dr. O'Reilly, 189, 190. Letters of monsignor Quarantotti, of Pius VII. and cardinal Litta, on the veto, 196—199. 467—472. 486—498.

Vicars apostolic, in England, first appointment of, ii. 283. Their districts, 285. Functions, 286.

Visitation of monasteries in the reign of Henry VIII. i. 97—100. Visitation in that of Edward VI. 123.

W.

Walmesley (Rev. Dr.) biographical notice of, ii. 319, 320.

Walpole (Sir Robert) levied a mulct upon catholics, ii. 60, 61.

Walsh (Father) biographical memoir of, ii. 421—430. Sets on foot the remonstrance of the Irish catholic clergy to Charles II. 395. Delivers a copy of it to the duke of Ormond, 402. His

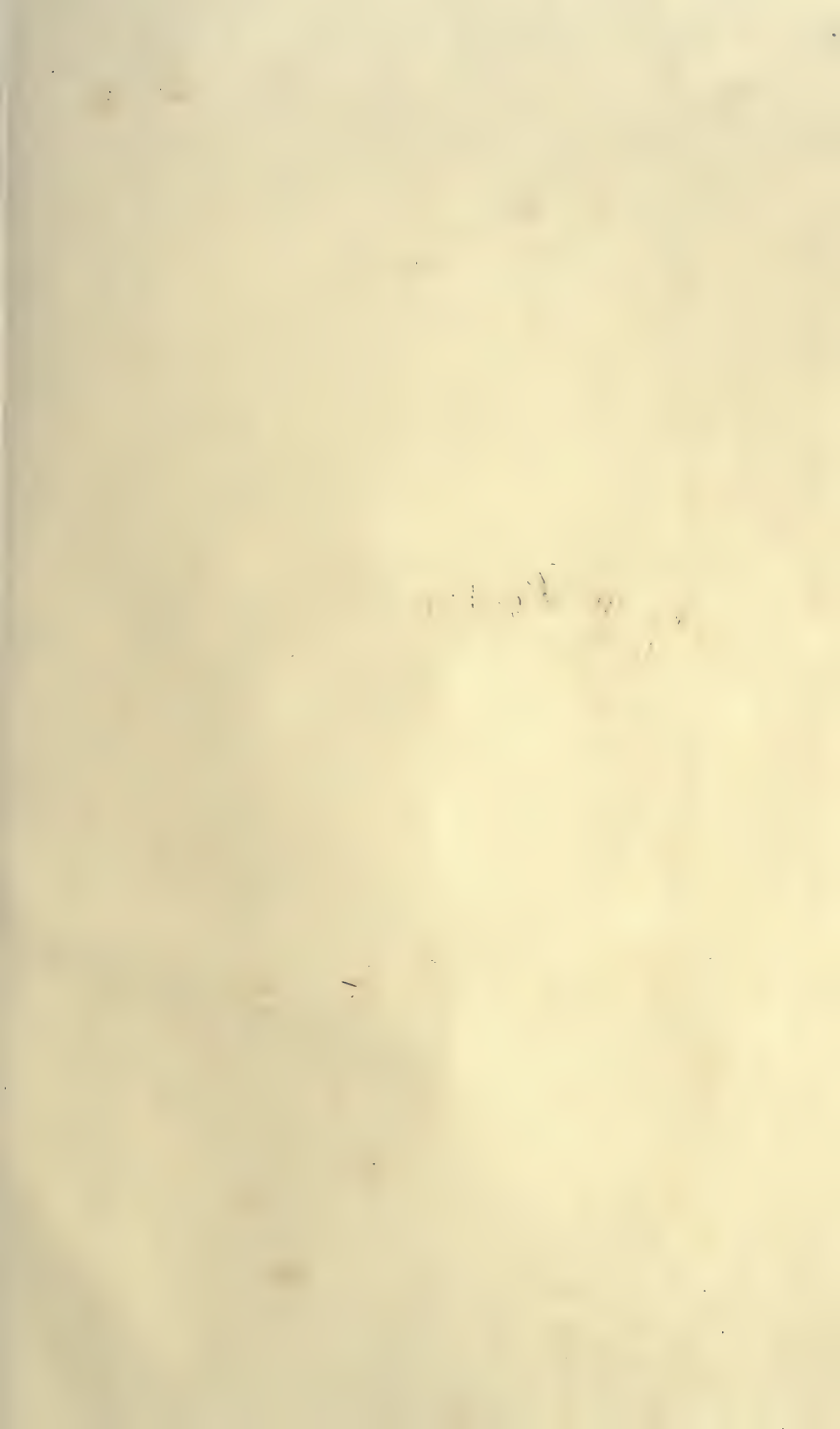
- conduct during the holding of the congregation of Irish catholic clergy, 407.
- Walsingham* (Francis) an English catholic divine, notice of, ii. 313.
- Webbe* (Mr. Samuel) an eminent catholic composer, notice of, ii. 342.
- Wentworth* (Lord Deputy) tyrannical conduct of, in Ireland, i. 365, 366.
- Westmoreland* (Earl of) insurrection of, against queen Elizabeth, i. 247.
- Wickliffe's* version of the Bible, account of, i. 110.
- Windham* (Mr.) speech of, on presenting the catholic petition to the house of commons, in 1810, ii. 251—253.
- Wolsey* (Cardinal) character of, i. 49—51. His power as papal legate, 52. Disgraced, but pardoned by Henry VIII. *ibid.* Licensed by the pope to dissolve the smaller monasteries, 96.
- Woodhead* (Abraham) a catholic divine, notice of, ii. 308.
- Wulstan* (Archbishop of York) summary by, of christian doctrine, i. 82.

Z.

- Zwinglian System*, account of, i. 106. Partially adopted in England, 149.

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